
Re: Environmental Inspections

From Matthew Parker <[REDACTED]>

Date Thu 9/19/2024 9:01 AM

To envcomments <envcomments@cityofchicago.org>; Community Engagement <CommunityEngagement@cityofchicago.org>; Ivonne Sambolin <Ivonne.Sambolin@cityofchicago.org>

[Warning: External email]

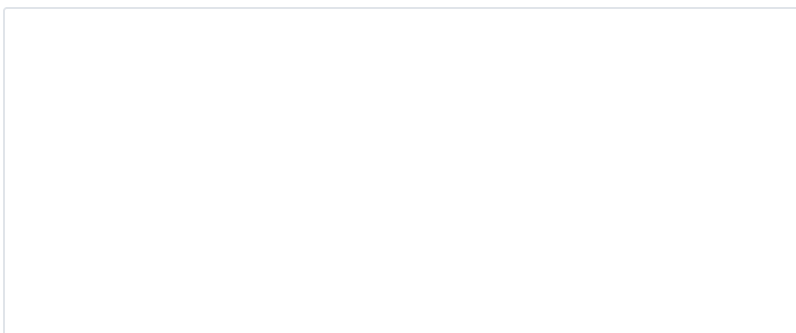
Who can I discuss the below with ASAP?

On Wednesday, September 18, 2024 at 10:53:06 AM CDT, [REDACTED] wrote:

Upon review of the Chicago Data Portal, I noticed that CDPH has not inspected Sims since April 19, 2024. This despite the fact that CDPH inspectors acknowledged observing “patches of fluff” off-site at 2500 S. Ashland Avenue earlier this year and despite the fact that a CDPH inspector acknowledged on April 15, 2024 that “air pollution/dust at 2500 S. Paulina ... is a weekly complaint regarding a neighboring business.”

Please explain how a serial polluter like Sims is allowed to continue operating with CDPH providing no supervision of the company whatsoever. How can a City department that claims to care about environmental justice fail to investigate the “weekly complaints” and at least inspect Sims on a monthly basis? And why did CDPH bother to conduct a Cumulative Impact Assessment, while claiming to care about environmentally burdened areas of the City like Pilsen, and then allow Sims to continue operating a shredder with no pollution controls and with CDPH providing ZERO oversight of the facility’s operations? Is CDPH purposely looking the other way and choosing to ignore Sims and their ongoing violations of environmental rules and regulations?

[City of Chicago | Data Portal](#) | [City of Chicago | Data Portal](#)




Sims Comments 9.18.2024

From Brian Mckeon <[REDACTED]>

Date Wed 9/18/2024 11:55 PM

To envcomments <envcomments@cityofchicago.org>; Olusimbo Ige <Olusimbo.Ige@cityofchicago.org>; Gabriela Wagener-Sobrero <Gabriela.Wagener-Sobrero@cityofchicago.org>; Angela Tovar <Angela.Tovar@cityofchicago.org>; Abraham Bradshaw <Abraham.Bradshaw@cityofchicago.org>; Claudia Guzman <Claudia.Guzman@cityofchicago.org>; Abraham Bradshaw <Abraham.Bradshaw@cityofchicago.org>

 1 attachments (159 KB)

Sims Comments 9.18.2024 (McKeon).pdf;

[Warning: External email]

See attached document for Comments related to Sims.

- Brian McKeon
Lucha por la Villita

Stationary Shear

Sims has constructed and has been operating a Bonfiglioli Stationary Shear without receiving a construction permit from the City of Chicago.

In October of 2022 representatives from the IL EPA and the US EPA conducted an inspection of Sims' Recycling Facility. During this inspection it was discovered that Sims was operating a Stationary Shear which they had not received a permit to construct or operate. "By causing or allowing the construction of a new emission source, the Shear, without applying for and obtaining a construction permit from the Illinois EPA, Sims violated Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2020)."¹ In constructing the Stationary Shear, Sims additionally violated the following Illinois laws and regulations: Section 9(b) of the Act, 415 ILCS 5/9(b) (2020); Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142.

In Sims' currently held LRF Operating permit, Table One in Attachment B: Special Conditions, #8 includes a list of pieces of Equipment which the Permittee is "authorized to operate". Contained within this Table is no mention of a "Stationary Shear".

Sims has not submitted any requests for a variance under the LRF Rules related to the Stationary Shear.

Sims has not submitted any permit amendments to their currently held operating permit related to the installation and operation of a Stationary Shear.

Sims has not sought a modification permit as required when new equipment is installed.

Sims has sought a permit renewal when they should be seeking a Modification Permit.

This shear is used by Sims "for the mechanical shearing/cutting of metal material" (see Sims' January 16, 2023 letter to IEPA: Metal Management Midwest, Inc. - Chicago Illinois Plant (ID No. 031600FFO) Supplement to Federally Enforceable State Operating Permit Application). Sims has no pollution control devices attached to this machinery and admits that (the Bonfiglioli shear consist of particulate matter (PM) and, since there is no exhaust stack associated with the equipment, are emitted fugitively [sic] (Id.)

Sims has failed to obtain a Construction permit from the City of Chicago and CDPH for their Bonfiglioli Stationary Shear. Sims has also failed to make the City of Chicago and CDPH aware that they have built and are operating a stationary shear on their property. Sims has failed to request or receive a permit to operate a Stationary Shear from CDPH. By installing and operating the Stationary Shear, Sims has chosen to violate state law, federal law, and the Chicago Municipal Code. Additionally they have violated state regulations, federal regulations, and the CDPH rules for LRF. Sims actions also represent a violation of the conditions placed upon them

¹ See KWAME RAOUL v Metal Management Midwest Inc., First Amended Complaint for Injunctive Relief and Civil Penalties 6/7/2023

by their current operating permit. Each of these violations represents grounds to both terminate Sims currently held operating permit, as well as deny the currently sought renewal permit.

Sims' Track Record

Sims has a track record of ignoring state, federal, and local laws and environmental regulations.

Time and time again Sims has demonstrated a disdain for following environmental laws and regulations. Sims has had to enter into numerous consent decrees or agreements with the US EPA, the IL EPA, and IL Attorney General's Office since 2016. Each of these resulted from Sims failing to follow Environmental protection laws and regulations.

According to the 2014 CDPH Rules and Regulations for Recycling Facilities², "The Commissioner shall not grant a new permit or renew an existing permit for any recycling facility in the City of Chicago unless the application for such permit meets each of the following conditions:

...

...(6) The application passes the compliance history evaluation describe[d] in Section 4.0 of these regulations; and

(7) The application meets all other applicable requirements of the Code.³

The requirements of the compliance history evaluation are as follows:

"4.0 History of Compliance/Material threat to continued compliance. Before granting a new permit or renewing an existing permit for any recycling facility, the Commissioner will conduct an evaluation of the applicant's prior experience in recycling or junk facility operations or other waste handling operations. The Commissioner may deny or refuse to renew a permit if the evaluation shows that:

(1) the applicant, or any owner or officer of the applicant, or any person having control of applicant or any of its operations, has, within the past three years, violated any federal, state, or local laws, regulations, standards, permit conditions, or ordinances in the operation of any junk facility, recycling facility, or any other type of waste or recyclable materials handling facility or site, including, but not limited to, the operation of a junk, recycling, or waste handling facility without required permits; or

(2) conditions at a previously permitted site or facility, existing at any time during the pendency of the Department's review of a permit renewal application, pose a material threat to continued compliance with any of the laws, regulations, standards, permit conditions, or ordinances identified in subsection (1) above. For purposes of this section, the phrase "material threat to continued compliance" shall mean analytical data, facility records, instrument readings, laboratory results, or photographic evidence sufficient to establish a prima facie showing of a

² The 2020 LRF Rules are a supplement to the 2014 rules, not a replacement: "These rules supplement the requirements contained in the Recycling Facility Rules dated March 19, 2014, as amended." Rules for Large Recycling Facilities 2020 Update, Part 1 Scope and Purpose

³ Section 3.0, City of Chicago Department of Public Health - Rules and Regulations for Recycling Facilities, March 2014

violation(s) of any of the laws, regulations, standards, permit conditions, or ordinances identified in subsection (1) above.”⁴

CDPH should consider Sims long history of ignoring environmental protections when doing a Compliance History Evaluation. Sims has demonstrated that they will flout compliance whenever possible and will only follow the law when brought to court for violations of environmental laws and regulations. CDPH should not allow Sims the opportunity to further flout state, federal, and local laws and should instead deny Sims their requested permit.

Sims has engaged in actions which are grounds for Permit Revocation

“5.0 Grounds for Permit Revocation or Suspension. In accordance with Section 11-4-030 of the Code, and the notice and hearing provisions referenced therein, the Commissioner may revoke, suspend, or specially condition a recycling facility permit at any time if the permitted person or entity, any owner or officer of the permitted entity, or any person having control of the permitted entity or any of its operations, has:

- (1) Violated any provision of Chapter 11-4 of the Code relevant to the permit or any regulation promulgated thereunder;
- (2) Violated any term or condition of the Recycling Facility Permit;
- (3) Violated any provision of the Chicago Zoning Ordinance relevant to the permit or any regulation promulgated thereunder; or
- (4) Knowingly submitted a materially false or inaccurate statement in the permit application or any other document submitted to the Commissioner in support of such permit application.”⁵

The Chicago Municipal Code also provides a mechanism by which a LRF Permit can be revoked:

“In addition to the penalties provided in this section, in addition to the grounds for permit revocation provided elsewhere in this chapter, and in addition to any special permit condition imposed during the issuance of a permit or authorization, the commissioner may revoke, suspend or specially condition, a permit or written authorization, at any time if the permitted person or entity, any owner or officer of the permitted entity, or any person having control of the permitted entity or any of its operations, has:

- (1) violated any provisions of this chapter relevant to the permit or authorization or any regulation promulgated thereunder;
- (2) violated any term or condition of the permit or authorization;
- (3) violated the Chicago Zoning Ordinance relevant to the permit or authorization or any regulation promulgated thereunder; or
- (4) knowingly submitted a materially false or inaccurate statement in the permit or authorization application or any other document submitted to the commissioner in support of such application.”

⁴ Section 4.0, City of Chicago Department of Public Health - Rules and Regulations for Recycling Facilities, March 2014

⁵ Section 5.0, City of Chicago Department of Public Health - Rules and Regulations for Recycling Facilities, March 2014

(d) In addition to the penalties provided in this section, the commissioner may issue an emergency or non-emergency cessation or abatement order in accordance with the provisions of Section 11-4-025 of this Code.⁶

Sims has violated state, federal, and Chicago local laws numerous times since 2016. The IL AG suit against Sims evidences multiple ways in which Sims has acted in bad faith, broke the law, and submitted false information to CDPH as well as state and federal regulators. The installation and operation of the Stationary Shear is a glaring example of this type of continued and wanton conduct. For this reason, permit revocation is appropriate.

CDPH also has the power to issue an Emergency or Non-Emergency Cessation Order

“In addition to the penalties provided in this section, the commissioner may issue an emergency or non-emergency cessation or abatement order in accordance with the provisions of Section 11-4-025 of this Code.”⁷

The Chicago Municipal Code allows CDPH to order polluters to cease operations when their activities constitute a public nuisance. The commissioner of CDPH can issue an order for emergency cessation or abatement:

“Emergency cessation and abatement.

(1) Emergency cessation – Authority. The Commissioner is hereby authorized to issue an emergency cessation order to any person who the Commissioner concludes is (i) causing, creating or contributing to any activity or condition that poses an imminent and substantial risk to the public health or safety or to the environment; or (ii) operating a facility or conducting an activity without a required permit or other written authorization issued by the Commissioner.

(2) Emergency abatement – Authority. In the event that the Commissioner concludes that any person is causing, creating or contributing to any activity or condition that has created, or is creating, an imminent and substantial risk to the public health or safety or to the environment, then the Commissioner may order such person to abate the risk within a time frame prescribed by the Commissioner.”⁸

The Commissioner also has the power to issue orders of cessation or abatement when there is a public nuisance which does not constitute an emergency:

“Non-emergency cessation and non-emergency abatement.

(1) Non-emergency cessation – Authority. The Commissioner is hereby authorized to issue a non-emergency cessation order to any person, in the event that the Commissioner determines that any such person is violating any of the provisions of this Code which are under the jurisdiction of the Commissioner or the rules promulgated thereunder or the conditions of any permit or authorization issued thereunder, but such violation does not pose an imminent and substantial risk to the public health or safety or to the environment as defined in subsection (a)(1) above.

⁶ Chicago Municipal Code 11-4-030(c)

⁷ Chicago Municipal Code 11-4-030(d)

⁸ Chicago Municipal Code 11-4-025(b)

(2) Non-emergency abatement – Authority.

(A) If the Commissioner determines that any person is violating any of the provisions of this Code which are under the jurisdiction of the Commissioner or the rules promulgated thereunder or the conditions of any permit or authorization issued thereunder, but such violation has not created, or is not creating, an imminent and substantial risk to the public health or safety or to the environment as defined in subsection (a)(1) above, then the Commissioner may provide the person with a written order to address and correct the violation(s) within a time frame prescribed by the Commissioner.”⁹

Sims history and repeated actions of ignoring laws and regulations meant to protect the public from environmental harms constitutes “an imminent and substantial risk to the public health or safety or to the environment”. Use of the Commissioner’s power to issue an emergency cessation or abatement order would be appropriate. Should the Commissioner not believe the actions of Sims represent “an imminent and substantial risk to the public health” or “the environment”, a non-emergency cessation or abatement order would certainly be appropriate.

Sims is located in an EJ Neighborhood

The City of Chicago and CDPH are required by the Consent Decree with HUD to make sure city decisions do not exacerbate problems of Environmental Racism in the city. Pilsen is a community already overburdened by industry and pollution. Pilsen is also home to vulnerable populations which need enhanced protections as is required by federal fair housing law.

A Risk Assessment is Needed

Sims is located in an Environmental Justice Neighborhood and is located within a half mile of multiple schools for children. When evaluating whether to grant an LRF permit for General Iron to operate on Chicago's Southeast side, a Health Impact Assessment was done. This Assessment took into account characteristics of the neighborhood and its residents which stood to be affected by the Recycling Facility.

When General Iron's Southeast LRF permit was denied the Health Assessment was a big part of the reasoning for that decision. CDPH took into consideration the health factors of the residents near the facility and that the area was already overburdened by pollution in denying the General Iron permit.

The area General Iron sought to operate in on Chicago's Southeast side has not been designated an Environmental Justice Neighborhood, and the site's proximity to schools far exceeds that of Sims in Pilsen. If CDPH thought a risk assessment for the Southeast side of Chicago was necessary to properly evaluate the potential danger to members of that community, the potential danger to residents of Pilsen should be assessed in the same way. To require a Risk Assessment for one community but not another unfair, unequitable, and discriminatory.

Sims should be held to the 81% at the source filtering efficiency they claim they will produce.

In Sims’ Air Modeling they use the 81% as what they expect the pollution control equipment to achieve, as such they should be held to that filtering efficiency as a special condition of their

⁹ Chicago Municipal Code 11-4-025(c)

permit. CDPH should make the emission standards required by the IL EPA and Sims agreement with the IL AG's office a requirement to maintain any LRF Permit issued by CDPH. CDPH should create a redundant mechanism to enforce the filtering efficiency that Sims has promised. Leaving this enforcement to the IL EPA and IL AG is not enough. CDPH can quickly act and revoke or suspend Sims operating permit should the facility fail to achieve the filtering efficiency required by state and federal law. By making this a Special Condition, CDPH will have the power to quickly act when the public is put at risk. Pilsen residents should not have to wait for a lengthy court process to play out in order to have breathable air.

The Air Dispersion Modeling Report is Flawed

The Air Dispersion Modeling Report was created by making assumptions about the performance of the "future emission control system". However the actual efficiency of the system is unknown and has not been tested. CDPH should require actual data on the efficiency of the Air Pollution Controls when all Air Pollution Controls are installed and in working order.

EPA's Conclusion is unsupported, offers no evidence or analysis, and does not properly assess health risks to the community

The conclusion from the EPA that "emissions from Sims would not cause either short- or long-term health effects for the community near the facility" is conclusory and does not provide any specific evidence or analysis to show how this conclusion was reached. If the EPA has come to this conclusion, they should submit a detailed report which cites the particular data used, the methods employed, and the analysis which leads to the conclusion. The brief paragraph posted on the EPA website is merely conclusory and should not be considered by the CDPH. Additionally, EPA qualifies their position by saying they adopt the conclusion only "if monitoring data collected over the last year represent typical levels". There has been no evidence that this does represent typical levels. The monitoring data should be compared with the data about how much material was processed by the shredder on any given day. Sims is allowed to shred 3,000 gross tonnes of material per day, however if they have limited their daily capacity during the past year of air monitoring so that the particulate in the air would not exceed standards, this should not be considered what the "typical levels" of air pollution would be. (e.g. If Sims is allowed under their permit to shred 3000 gross tonnes of material per day, but has limited daily shredding to 1000 gross tonnes of material per day during air monitoring this will not show what air pollution levels will be when they reach their allowable limit of 3000 gross tonnes of material per day.

EPA also claims that they were able to reach their conclusion that the community will not see any negative short- or long-term health effects by comparing "monitoring results to current health benchmarks. This does not constitute a proper Risk Assessment, is methodologically flawed, does not differentiate between adults and children, and utilizes no localized or community specific factors. For these reasons the conclusion reached by EPA should be disregarded by CDPH. EPA was also silent on the impact of Sims being located in close proximity to multiple schools and what role this factor might play in the risk calculation for children living or attending school in the area.

Sims is Currently Operating Under a Terminated Operating Permit.

Sims is currently operating under a permit which has expired. The first page of Sims' current operating permit issued November 30, 2018 states that "[t]his permit allows for the operation of the Facility from 11/16/2018 through 11/15/2021 upon which time the permit shall terminate by its own terms." CDPH also allowed Sims to continue to operate on that permit if they applied for a subsequent operating permit before November 21, 2018. "If a subsequent operating permit is applied for on or before 11/21/2018, this permit shall remain in effect until the CDPH acts on the pending permit application." Sims' subsequent operating permit application was submitted to CDPH in November of 2021. Because a "subsequent operating permit" was not "applied for... before 11/21/2018", Sims' operating permit "terminate[d] by its own terms" on November 15, 2021. Without a valid and current Large Recycling Facility permit, Sims is operating illegally and should cease operations immediately.

Sims has filed an incomplete Annual Recycling Report. Under Chicago Municipal Code, a Recycling Permit cannot be renewed if the applicant has not submitted a complete Annual Recycling Report.

The 2023 Annual Recycling Report submitted by Sims is lacking several elements required by the Chicago Municipal Code.

An annual recycling report must contain "the approximate percentage of each type or category of recyclable material collected by the permittee" (see Chicago Municipal Code 11-4-2535(a)(3)). In Sims' 2023 Annual Recycling Report the table labeled "Percentage of Recyclable Materials Collected per Facility" has been left completely blank. Sims has provided no information regarding the approximate percentage of each category of waste material the company collected in 2023. This information is required by the code, and was not provided.

An annual recycling report must also contain "the name and location to which each type or category of recyclable material was delivered" (see Chicago Municipal Code 11-4-2535(a)(3)). In Sims' 2023 Annual Recycling Report the tables labeled "Percentage of Recyclable Materials Collected per Facility", "Approximate Percentage of Construction and Demolition Debris Collected and the Receiving Facility", and "Approximate Percentage of Waste delivered to Each Facility" require entries for "Name of Facility", "Name of Receiving Facility", and "Facility Name" (respectively). All of these entry columns have been left blank by Sims. Sims has provided no information as to the name and location of any facilities which have received the various categories of recyclable material. This information is required by the code, and has not been provided.

An annual recycling report also requires information regarding "the approximate percentage of each type or category of recyclable material delivered to each named location" (see Chicago Municipal Code 11-4-2535(a)(3)). While Sims' 2023 Annual Recycling Report contains some figures regarding Gross Tonnage of certain materials collected, there is no information regarding the percentage of each category of material nor to what locations such material was delivered (see Sims' 2023 Annual Recycling Report tables labeled "Percentage of Recyclable Materials Collected per Facility", "Approximate Percentage of Construction and Demolition Debris

Collected and the Receiving Facility", and "Approximate Percentage of Waste delivered to Each Facility"). Again this is information required by the code which Sims has failed to provide.

The information referenced above is required by the Chicago Municipal Code and is not optional. The code uses very strong language in saying that "The annual report...shall contain the following data and information..." (see Chicago Municipal Code 11-4-2535(a)). The use of "shall" makes it quite clear that providing each subcategory of information is compulsory. Since Sims has not provided this vital and necessary information required by the code, their 2023 Annual Recycling Report should be considered incomplete.

The Chicago Municipal Code anticipated that a company might submit an incomplete Annual Recycling Report. According to the code, "If a permittee under this section... submits an incomplete annual recycling report, such permittee's permit under this section shall not be renewed by the Department of Public Health until such time that the annual recycling report required under Section 11-4-250 is submitted and is complete." (Chicago Municipal Code 11-4-2520). Again, the use of "shall" requires CDPH to deny the renewal of a Large Recycling Facility operating permit when an Annual Recycling Report is incomplete. For this reason, CDPH must not renew Sims' Large Recycling Facility operating permit.

Comments by Brian McKeon,
Lucha por la Villita Community Organization

Sadly I am rarely surprised to learn that CDPH is not proactively choosing to seek effective ways to slow the advancement of polluters in our neighborhoods - their excuse: They say they fear being sued by polluters. Even with SIMS where the IL Attorney...

From Edward McNamara <[REDACTED]>
Date Wed 9/18/2024 9:23 PM
To envcomments <envcomments@cityofchicago.org>

[Warning: External email]

In our current American political climate, national political candidates are routinely spewing false and hurtful comments about minority residents in Springfield, Ohio. For us, it is equally painful to learn that our own local government leaders here are failing to take strong action against proven serial polluters seeking permits - like SIMS METAL MANAGEMENT - failing to protect our children and elderly, actually for each of us.

CDPH in choosing not to act is, of course, factually more harmful than the targeted words of national politicians against the minorities in Springfield, Ohio.

E. T. McNamara


Sent from my iPhone

Sims Air Dispersion Modeling Analysis

From Jim Kallas <JimKallas@Southside-recycling.com>

Date Wed 9/18/2024 5:47 PM

To envcomments <envcomments@cityofchicago.org>

 1 attachments (878 KB)

Comments on Sims Updated Modeling Analysis for LRF Pmt App.pdf;

[Warning: External email]

In February 2022, RK & Associates performed a technical review of the air dispersion modeling analysis submitted as part of the Sims Metal Management (Sims) Large Recycling Facility Permit application.

That technical review revealed significant deficiencies in the Sims modeling analysis. Those deficiencies were subsequently presented in a formal comment to CDPH, but they were never addressed. Earlier this year, RK & Associates also reviewed an updated modeling report containing more recent met data and found that the deficiencies identified in 2022 have still not been addressed.

RK & Associates recently submitted another formal comment as a reminder to CDPH about the deficiencies that have yet to be addressed by CDPH. That comment (attached) highlights CDPH's unequal treatment of Sims and Southside Recycling.

For Southside Recycling's permit application, CDPH hired an engineering firm, Tetra Tech, to conduct a thorough analysis of the air dispersion modeling analysis conducted by RK & Associates. That analysis resulted in requests from CDPH for additional information, including two (2) separate formal Deficiency Letters issued to Southside Recycling.

For Sims' permit application, there is no evidence that CDPH hired Tetra Tech, or any other third-party expert, to even conduct a cursory review of the air dispersion modeling analysis and CDPH still hasn't addressed the comments submitted by RK & Associates over two and a half years ago. Furthermore, no Deficiency Letters have been issued to Sims regarding the deficiencies identified by RK & Associates with their air dispersion modeling analysis.

CDPH is clearly applying a different standard for review of air dispersion modeling for Sims' permit application than what was applied for review of the air dispersion modeling analysis for Southside Recycling's permit application.

(O) 773-639-2118 (C) 847-508-9170



a reserve management group company.

providing safe, responsible + sustainable recycling solutions for
our customers and the environment.

RMG



September 17, 2024

Abraham Perez Kiamber
Chicago Department of Public Health
2160 W Ogen Avenue
Chicago, IL 60612

E-Mail
envcomments@cityofchicago.org

**Comments to Refreshed Air Modeling for
CDPH Large Recycling Facility Permit Application
Metal Management Midwest, Inc.,d/b/a Sims Metal – Paulina Facility/Chicago, IL**

Dear Mr. Kiamber,

RK & Associates, Inc. (RKA) reviewed Metal Management Midwest, Inc. d/b/a Sims Metal (Sims) refreshed air modeling report dated May 14, 2024. RKA have previously reviewed and commented on Sims's original Air Dispersion Modeling Study submitted as part of their City of Chicago Permit Application. RKA comments were submitted to CDPH on February 25, 2022.

RKA comments on the original modeling report were not addressed in this refreshed modeling except meteorological data was updated to include more recent metdata from 2019 to 2023.

RKA requested the raw modeling data to verify modeling results. CDPH provided raw input modeling files, meteorological data and NED files. RKA ran AERMOD using the provided input files. Predicted concentrations were confirmed correct for PM10. However, emission rates, control technology efficiency assumptions and emission source modeling parameter selections continue to be used without providing any details documenting emission calculations. It is impossible to confirm if the emission rates used in the input modeling files are reasonably estimated, what material throughputs are used if they are representative of facility's maximum operation rates, what emission factors are selected in the calculations and how these emissions are included in the model.

In addition, background concentrations are not added to the AERMOD predicted concentrations. If background concentration were added, as required for comparison to NAAQS, the impact for this facility would exceed the PM10 NAAQS standard. The 24-hour PM10 background concentration provided in the CDPH "Ambient Air Background Concentrations" list for Northeast quadrat is 102 $\mu\text{g}/\text{m}^3$. Added to the AERMOD predicted concentration of 124.70 $\mu\text{g}/\text{m}^3$, it bring the impact from the facility to 226.70 $\mu\text{g}/\text{m}^3$. This is way above the NAAQS standard for PM10.

September 17, 2024
Abraham Perez Kiamber
Comments to Refreshed Air Modeling for
CDPH Large Recycling Facility Permit Application
Metal Management Midwest, Inc. – Paulina Facility/Chicago, IL
Page 2



Attached are RKA comments provided to the original air modeling. As discussed above, these comments stay except for “Meteorological Data” comments.

If you have any questions or require any additional information regarding the above, please do not hesitate to call me at (630) 393-9000.

Yours very truly,
RK & Associates, Inc.

A handwritten signature in dark ink that reads "Darina Demirev". The signature is written in a cursive style.

Darina Demirev
Senior Project Engineer



February 21, 2022

Allison Arwady, M.D.
Chicago Department of Public Health
333 S. State Street, Room 200
Chicago, IL 60604

E-Mail
envcomments@cityofchicago.org

**Comments to Air Dispersion Modeling Study for
CDPH Large Recycling Facility Permit Application
Metal Management Midwest, Inc. – Paulina Facility/Chicago, IL**

Dear Dr. Arwady,

RK & Associates, Inc. (RKA) reviewed the Air Dispersion Modeling Study submitted by Metal Management Midwest, Inc. – Paulina Facility (MMW) as part of their City of Chicago Permit Application. The modeling study was included in Appendix R of the Application. The dispersion modeling study must meet the requirements of the City of Chicago Rules for Large Recycling Facilities. The modeling must evaluate the impact from PM₁₀ emission sources, as well as the following metals: antimony, arsenic, beryllium, cadmium, chromium, cobalt, lead, manganese, nickel, and selenium compounds.

The following inconsistencies with the dispersion modeling procedures were identified:

Emission Rates

Emission calculations to show how emission rates were calculated were not included in this application. At a minimum the emission estimate information that was submitted to the IEPA with construction permit applications or facility Federally Enforceable State Operating Permit (FESOP) must be provided.

Not identifying source of emissions and proper calculations procedures raises questions of the validity of the calculations, especially the history of questionable testing performed without quantifying capture efficiency.

It was stated that AP-42 emission factors and stack test results were used. However, stack test results here appear to refer to testing performed by MMW at their South Paulina facility which were determined by IEPA and others, to be not representative because of poor capture efficiency.

It was not described what emissions factors from AP-42 were used and for what processes. Numerous fugitive emission sources that include stockpiles, screeners, conveyors, and vehicle traffic were modeled without providing any description of how emissions were estimated. Additional information must be provided to verify the approach used to estimate emissions from these sources.

Modeled emissions rates must be representative of the maximum hourly emission rates for each source to estimate the worst-case impact. However, emission rates were listed as 24-hour emission rates, which implies that the maximum hourly emissions were not used for modeling but the averaged 24-hour emissions. Therefore, it is likely that the modeled impacts were significantly underestimated.

Building Downwash

The modeling analysis excludes buildings outside the facility boundary. Buildings outside the facility boundary are located in less than 100 ft from the nearest sources. These buildings may significantly impact the ground concentrations from point sources. Building downwash from nearby buildings, even buildings outside the property line, must be considered in this modeling analysis.

Meteorological Data

Meteorological data for the period of 2012 to 2016 was used in the dispersion model. However, a University of Chicago Chemistry professor retained by a local citizen's group publicly criticized the choice of 2012-2016 met data because it is too old. Met data from local stations might be utilized.

Presentation of Emission Sources

The Hammermill Shredder was modeled as one point source at the infeed chute and one area source at the under-mill oscillator. However, the under-mill oscillator must be modeled as a volume source, similarly to conveyor transfers, as it will be better represented to account for the plume rise. In addition, it was not described how emissions were split between the two sources, what capture efficiency was assumed and why, and if all of the uncaptured emissions were modeled.

Emissions from the shredder top, point source, were modeled at a rate of 0.7507 g/s. However, emissions from shredder bottom were listed as 5.56E-2 g/s/m². The area of this source was not included, which does not allow to compare what part of the emissions were modeled as an area source and a justification was not provided.

Torch cutting emissions were also modeled as an area source, while they would be better presented as a volume source. Emissions calculations are not provided.

Roadway emissions were modeled as an area source. Roadway emissions should be modeled as a line of volume sources. In addition, release height and initial vertical dimension for each roadway area source were selected as release height of 3.50 m and vertical dimension of 2.37 m, without justification. Recommended values for release height and vertical dimension for light-duty vehicles are 1.3 m and 1.2 m, correspondingly, and for heavy-duty vehicles 3.4 m and 3.2 m, correspondingly.

Roadway segments were not shown on the map. It cannot be determined if all roadways at the facility were properly modeled. Each road segment was modeled with the same emission rate of $1.45E-5$ g/s/m². However, traffic on some roads would be much heavier than others. For example, all traffic would go through the entry gate and through the weighing scale. Some areas in the facility would have higher emissions from vehicle traffic than others. The model did not account for this non-homogeneity and possibly underestimated the impact from vehicle traffic closer to the property boundaries.

In general, description of emission sources was missing. Sources were only identified by a Model ID. What was included in each source ID was not identified anywhere in the analysis. Operating rates were not listed. Emission rate calculations were missing. Supporting testing results and specific published emission factors were not provided.

Criteria Pollutants Modeling Results – PM₁₀

The current 24-hour PM₁₀ NAAQS standard is 150 µg/m³. AERMOD predicted PM₁₀ concentration was reported at 145.69 µg/m³. This included only the impact from MMW facility operations. Modeled concentrations were plotted on Figure 2-3, however, a legend was not provided and the figure is not informative of the results.

The modeling analysis stated that there were no predicted exceedances of the NAAQS standard. However, PM₁₀ background levels must be added to the facility predicted impact to compare against the NAAQS standard. If background concentration was added, the impact from this facility would exceed the PM₁₀ NAAQS standard.

The NAAQS standards are protective of public health. Therefore, this modeling analysis demonstrates that the facility endangers the health of the nearby community.

Metal HAPs Modeling Analysis

The reports states that metal HAPs emission rates were scaled to PM₁₀ emissions rates for all emissions units. However, what scaling factors were used and how they were measured and developed was not provided. Emission rates for none of the HAPs were listed.

Lead modeling results were compared against the lead NAAQS standard. However, lead background concentration from the nearest monitoring station must be added to the modeled predicted concentrations before comparing to the NAAQS standard.

Relevant acute or chronic health screening standards/levels were used to evaluate modeled metal HAPs impact. However, comparative levels for carcinogenic compounds were selected as a risk of 1.00E-05. The proposed level of 1.00E-5 from the Wisconsin NR 445.08(03) is for cumulative inhalation impact of all contaminants. Individual carcinogenic risk must be compared to a standard risk of 1.00E-06. The

inhalation risk for arsenic from MMW was estimated at $2.15E-06$. This exceeds the acceptable inhalation risk level.

Conclusion

The dispersion modeling analysis is incomplete. It does not identify each emission source at the facility. The report does not demonstrate how PM_{10} emission rates were developed, nor how HAP emissions were estimated. No testing results, demonstration of control efficiency, or specific AP-42 emission factors were identified. The report does not justify the selected modeling parameters for each source group and how emissions were assigned to each source. PM_{10} background levels were not added to the predicted AERMOD concentration to compare to NAAQS. If background concentrations are considered, the impact from the facility will exceed the NAAQS standard. Lead background concentrations were not considered in the modeling results. Inhalation risk for carcinogenic compounds must be less than one in a million. This report failed to identify that the inhalation risk for arsenic exceeded the acceptable public inhalation risk.

If you have any questions or require any additional information regarding the above, please do not hesitate to call me at (630) 393-9000.

Yours very truly,
RK & Associates, Inc.



Darina Demirev
Senior Project Engineer

Why isn't CDPH inspecting Sims?

From Bre B <[REDACTED]>
Date Wed 9/18/2024 4:18 PM
To envcomments <envcomments@cityofchicago.org>

[Warning: External email]

According to the Chicago Data Portal, CDPH hasn't conducted an inspection of Sims since April 2024. How is it even possible that a company with a track record like Sims is being ignored by a City department that claims to care about the environment and the health of all Chicago citizens? Anyway, during one of the last inspections of Sims, the inspector noted that the "location of the allegation is 2550 S. Ashland Avenue, the Chicago Yacht Club." Based on information in that inspection report, the allegation was obviously regarding shredder fluff that had blown into the boatyard at 2550 S. Ashland Avenue (Chicago Yacht Works). The inspector noted, however, that "There was no method to leave a message for Mr. Hunt." A simple search on Google reveals that the phone number for Chicago Yacht Works is 312-666-6670. Please forward this information to CDPH inspectors so that if CDPH ever starts responding to complaints about Sims again, the inspectors will be able to properly follow up on those complaints.

Sims Air Dispersion Modeling

From Bre B [REDACTED]

Date Wed 9/18/2024 3:52 PM

To envcomments <envcomments@cityofchicago.org>

[Warning: External email]

I was reading through previous comments submitted to CDPH regarding Sims' Large Recycling Facility Permit application and one comment got my attention. In February 2022, RK & Associates submitted a letter to CDPH raising several concerns regarding the air dispersion modeling analysis submitted by Sims. The Conclusion of the letter submitted by RK & Associates states,

“The dispersion modeling analysis is incomplete. It does not identify each emission source at the facility. The report does not demonstrate how PM10 emission rates were developed, nor how HAP emissions were estimated. No testing results, demonstration of control efficiency, or specific AP-42 emission factors were identified. The report does not justify the selected modeling parameters for each source group and how emissions were assigned to each source. PM10 background levels were not added to the predicted AERMOD concentration to compare to NAAQS. If background concentrations are considered, the impact from the facility will exceed the NAAQS standard. Lead background concentrations were not considered in the modeling results. Inhalation risk for carcinogenic compounds must be less than one in a million. This report failed to identify that the inhalation risk for arsenic exceed the acceptable public inhalation risk.”

Following are some questions I have for CDPH based on the issues raised by RK & Associates:

1. Has CDPH had any communications with Sims to address the problems with the air dispersion modeling analysis? If so, where is the correspondence from CDPH and/or Sims showing that those issues were properly addressed, and how the problems were corrected?
2. Did CDPH request that its consultant (Tetra Tech) review the air dispersion modeling analysis provided by Sims and/or the comments submitted by RK & Associates? If so, what was the result of those reviews?

3. If the conclusions reached by RK & Associates were determined to be valid by CDPH and/or Tetra Tech, why didn't CDPH issue Deficiency Letters to Sims requesting that supplemental information and/or documentation be submitted to CDPH?

4. During CDPH's review of the LRF Permit application for Southside Recycling, CDPH issued two (2) separate Deficiency Letters requesting additional information from Southside Recycling regarding the air dispersion modeling analysis. Why hasn't CDPH requested from Sims the same information and level of detail regarding air dispersion modeling analysis that was requested from Southside Recycling?

Sims Metal vs. Southside Recycling

From Bre B <[REDACTED]>

Date Wed 9/18/2024 2:11 PM

To envcomments <envcomments@cityofchicago.org>

[Warning: External email]

CDPH claimed in a February 18, 2022 letter that a Large Recycling Facility (LRF) Permit to Southside Recycling was being denied for the following reasons:

- 1) Findings of the HIA Over the past nine months, including:
 - Large metal recycling processes such as those proposed at Southside Recycling pose certain unique risks to the environment, health, and quality of life.
 - The Southeast side includes certain areas that are more vulnerable to pollution than Chicago overall.
 - These risks can only be adequately mitigated by operating in accordance with strict permit conditions, including but not limited to throughput caps, proper material storage practices, site access for inspections, and timely reporting and management of unsafe conditions.
 - The history of the operation of the site, which has been problematic, does not provide CDPH with confidence that the company will run the site in strict compliance with permit conditions, which CDPH considers essential for avoiding negative impacts on the environment, health, and quality of life for residents of the Southeast side.
 - Therefore, issuance of the RMG/Southside Recycling permit would exacerbate health inequity.
- 2) Past and Present Environmental Compliance Issues, including:
 - Apparent exceedance of permitted capacity.
 - Failure to obtain appropriate permits for foundry sand operation.
 - Failure to Notify CDPH of IEPA Notices of Violation.

- Failure to control dust.
- 3) Additional Site Concerns and Lack of Transparency/Responsiveness, including:
- Soil sampling results show high levels of lead on site.
 - Recycling activity on unpermitted area.
 - Building collapse.
 - Concerns regarding responsiveness.

Because Sims applied for an LRF Permit in November 2021, which is still under review by CDPH, I thought it would be a worthwhile exercise to examine the reasons that CDPH denied an LRF Permit to Southside Recycling and apply the same standards to Sims. Following are the results of that examination:

1) Nine-month HIA – A comparison to Southside Recycling is impossible since CDPH has, thus far, refused to conduct a Health Impact Assessment (HIA) for Sims despite demands from the public to do so. Nevertheless, following is an examination of the summary conclusions from the HIA performed for Southside Recycling and applied to Sims.

- Does Sims pose certain unique risks to the environment, health, and quality of life? Answer: YES. In fact, Sims poses a substantial risk to the environment, health and quality of life for the people of Pilsen, particularly since Sims is still operating a shredder with no pollution controls in an area that is 70 times more densely populated than the area around Southside Recycling.
- Is the West Side of Chicago more vulnerable to pollution than Chicago overall? Answer: YES. In fact, according to the City of Chicago's Air Quality and Health Report as well as a mapping analysis conducted by the Natural Resources Defense Council (NRDC), the area around Sims (including Pilsen) is the among the most environmentally burdened areas of Chicago.
- Can the risks of Sims continuing to operate only be adequately mitigated by operating in accordance with strict permit conditions, including but not limited to throughput caps, proper material storage practices, site access for inspections, and timely reporting and management of unsafe conditions? Answer: YES. With Sims pleading liable to violation notices issued by CDPH and with Illinois EPA's recent discovery that Sims installed an emission unit without a permit, Sims continues to demonstrate that they are incapable of operating in accordance with

applicable environmental rules and regulations. In fact, by continuing to allow material susceptible to becoming windborne (i.e. fluff) to migrate offsite, Sims has demonstrated that they are not even capable of operating in accordance with the Municipal Code of Chicago or the conditions of their expired Class IVB Recycling Facility Permit.

- Has the history of the operation at Sims (as well as other Sims facilities around the country) been extremely problematic and should CDPH lack confidence that Sims will run the site in strict compliance with permit conditions, which is essential for avoiding negative impacts on the environment, health, and quality of life for residents of the West Side, including Pilsen? Answer: YES. The history of the operation at Sims' Chicago facility has been far more problematic than any of the alleged issues at the existing (non-LRF) operations on the RMG campus. Further, the litany of environmental violations at other Sims shredding facilities around the country should give CDPH little, if any, confidence that Sims will run their Chicago facility in strict compliance with LRF regulations.

- Does the fact that Sims is STILL operating a Large Recycling Facility without an LRF Permit and with no pollution controls on their shredder exacerbate health inequity? Answer: YES. Southside Recycling has not been allowed to operate even after installing a new shredder equipped with an extensive emission control system and despite a ruling by a City of Chicago Administrative Law Judge that an LRF Permit should have been issued to Southside Recycling in May 2021. Meanwhile, Sims has continued operating during that same period with no pollution controls on their shredder, thereby creating a massive health inequity for the people of Pilsen due to the hundreds of tons of VOCs being emitted from Sims' shredder along with uncontrolled emissions of heavy metals. Even if Southside Recycling had been operating since May 2021, the health inequity experienced by people in Pilsen would still be orders of magnitude higher due to the lack of any pollution controls on the shredder at Sims.

2) Past and Present Environmental Compliance Issues – Environmental compliance issues/violations at Sims (Pilsen facility alone) include, but are not limited to, the following:

- Exceedance of permitted operating hours.
- Failure to obtain permits from Illinois EPA for air emission units.
- Failure to obtain Air Pollution Control Permits from CDPH.
- Failure to control dust.

- Violation of the Federal Clean Air Act and U.S EPA settlement agreement requiring Sims to pay a \$225,000 fine.

- Violation of Illinois EPA regulations and ongoing lawsuit by the Illinois Attorney General.

3) Additional Site Concerns and Lack of Transparency/Responsiveness – A comparison to Southside Recycling is impossible since soil sampling wasn't conducted at Sims and there is no evidence that any sort of transparency or responsiveness standard has been applied to Sims. However, City of Chicago Administrative Law Judge Mitchell Ex did conclude that Southside Recycling was, in fact, transparent and responsive during the permit process, contrary to claims by CDPH. Nevertheless, let's examine the lack of transparency/responsiveness on the part of Sims, as well as CDPH:

- For years, Sims has been well aware of the pollution control measures available to mitigate emissions of Particulate Matter (PM), Metals and Volatile Organic Compounds (VOCs), yet it took a lawsuit by the Illinois Attorney General (AG) for the company to finally install pollution controls on the shredder. And that was only after Sims' repeated attempts to get USEPA and Illinois EPA to accept an invalid emission factor from failed emissions testing, which grossly underestimated VOC emissions from the shredder.

- For years, Sims has been well aware that they were capturing and controlling ZERO emissions of VOCs from the shredder despite the requirement by Illinois EPA to capture and control at least 81% of VOCs. Yet Sims waited for the Illinois Attorney General to file suit before addressing the violations.

- Sims' Class IVB Recycling Facility Permit expired in November 2021, yet nearly three (3) years later they are still operating a metal shredder with no pollution controls.

- Sims submitted an LRF Permit application to CDPH in November 2021, along with subsequent supplemental materials, yet CDPH only recently acted on the application by issuing a Deficiency Letter in July 2024, nearly 3 years later.

- Presumably, supplemental materials submitted to CDPH after submittal of Sims' November 2021 LRF Permit application resulted from correspondence between Sims and CDPH, yet copies of that correspondence have still not been made public.

- CDPH opened the initial public comment period for Sims' LRF Permit application in late 2021, and then another public comment period was opened in

April 2024, yet it is unclear whether CDPH closed the initial public comment period at some point prior to April 2024, and if so, when.

It is difficult to compare one large recycling facility (Southside Recycling), which has not been given the opportunity to operate, and thus has no established compliance history, to another large recycling (Sims), which has an extensive history of past, and ongoing, compliance issues. Nevertheless, the above analysis clearly demonstrates that if CDPH were to apply the same standards to Sims that were applied to Southside Recycling as referenced in the February 18, 2022 letter, then CDPH should, without a doubt, deny Sims' LRF Permit application. This is particularly true given that the alleged reasons for denial of Southside Recycling's LRF Permit were based entirely on CDPH's "belief" that the facility would not be able to operate in compliance with environmental rules and regulations and on a set of SUBJECTIVE criteria found nowhere in any of CDPH's rules, regulations, or ordinances. On the other hand, CDPH could, and should, be evaluating Sims' LRF Permit application based on their ACTUAL history of noncompliance and on the OBJECTIVE criteria established by CDPH in Article XX Recycling Facility Permit Rules and Regulations, the Municipal Code of Chicago and the 2020 Rules for Large Recycling Facilities.

Environmental Inspections

From Matthew Parker <[REDACTED]>

Date Wed 9/18/2024 10:58 AM

To envcomments <envcomments@cityofchicago.org>; Community Engagement <CommunityEngagement@cityofchicago.org>; Ivonne Sambolin <Ivonne.Sambolin@cityofchicago.org>

[Warning: External email]

Upon review of the Chicago Data Portal, I noticed that CDPH has not inspected Sims since April 19, 2024. This despite the fact that CDPH inspectors acknowledged observing “patches of fluff” off-site at 2500 S. Ashland Avenue earlier this year and despite the fact that a CDPH inspector acknowledged on April 15, 2024 that “air pollution/dust at 2500 S. Paulina ... is a weekly complaint regarding a neighboring business.”

Please explain how a serial polluter like Sims is allowed to continue operating with CDPH providing no supervision of the company whatsoever. How can a City department that claims to care about environmental justice fail to investigate the “weekly complaints” and at least inspect Sims on a monthly basis? And why did CDPH bother to conduct a Cumulative Impact Assessment, while claiming to care about environmentally burdened areas of the City like Pilsen, and then allow Sims to continue operating a shredder with no pollution controls and with CDPH providing ZERO oversight of the facility’s operations? Is CDPH purposely looking the other way and choosing to ignore Sims and their ongoing violations of environmental rules and regulations?


[City of Chicago | Data Portal](#) | [City of Chicago | Data Portal](#)

My Comments on SIMs Metal Management

From Theresa McNamara <[REDACTED]>

Date Tue 9/17/2024 11:42 PM

To envcomments <envcomments@cityofchicago.org>

 1 attachments (758 KB)

Comments on SIMs Sept. 17, 2024.pdf;

[Warning: External email]

SOUTHWEST ENVIRONMENTAL ALLIANCE THERESA REYES MCNAMARA

The City of Chicago's Rules and Regulations for Recycling Facility Permits (Article XX of the Code the "Recycling Facility Ordinance") and the "RULES FOR LARGE RECYCLING FACILITIES OPERATED WITHIN THE CITY OF CHICAGO" which requires the Commissioner to promulgate the rules and regulations necessary to implement the provisions of this Ordinance states that:

"Before granting a new permit or renewing an existing permit for any recycling facility, the Commissioner will conduct an evaluation of the applicant's prior experience in recycling or junk facility operations or other waste handling operations. The Commissioner may deny or refuse to renew a permit if the evaluation shows that: (1) the applicant, or any owner or officer of the applicant, or any person having control of applicant or any of its operations, has, within the past three years, violated any federal, state, or local laws, regulations, standards, permit conditions, or ordinances in the operation of any junk facility, recycling facility, or any other type of waste or recyclable materials handling facility or site, including, but not limited to, the operation of a junk, recycling, or waste handling facility without required permits;..."

Given the above code, the serial violations that SIMS committed, and the agreement of SIMS with the Attorney General of Illinois to avoid conviction for violating its operation permit; we request that CDPH implements our petition which is attached together with detailed notes compiled by our members.

In addition, we are insisting that a risk assessment is performed, NOT A HEALTH IMPACT ASSESSMENT, based on the monitoring results that EPA forced SIMS to collect with a 114 letter.

PETITION and DETAILS

Who signed the Petition as of 9/17/2024?

Chairwoman Maria Hadden Committee on Environmental Protection and Energy
12 Ward Alderwoman Julia Ramirez
22 Ward Alderman Mike Rodriguez
State Representative Theresa Mah
Senator Javier Cervantes

St. Paul Catholic Church
Alivio Medical Center
Lucha por la Villita
Mujeres Latinas en accion
Healthy Hood
Lincoln United Methodist Church
Bridgeport Alliance
Little Village Community Council
Southwest Environmental Alliance

Plus 157 Signatures of people in the neighborhood.

**Commissioner Dr. Olusimbo Lge
Chicago Department of Public Health**

A PETITION

We, the undersigned, want:

- CDPH to stop the SIMS permit process UNTIL SIMS has installed the emission control equipment and proves that it works “as intended”.

We want this done BEFORE CDPH accepts any SIMS permit application.

- full transparency and the details of the risk assessment reflecting what we and our children face.

With your scheduling of community meetings for SIMS, it seems that the City of Chicago is rushing to issue a permit for a convicted, serial polluter in Pilsen. We all know that SIMS has numerous violations occurring over and over again, which only adds to our already overburdened EJ community. We also know amazingly, after almost 2 years, that SIMS has not yet fulfilled the main terms of the Attorney General’s Consent Agreement in which it committed to install emissions control equipment to reduce their harmful emissions “by at least 81%”. Once this device is installed and proven to work, only then should SIMS be allowed to apply for a permit.

Of course, there is no way of knowing the full extent of the harmful emissions SIMS has, over the years, discharged into Pilsen air and the lungs of our children, our neighbors and ourselves. It took the IL Attorney General in court to get SIMS to take responsibility for its history of violations. By overlooking SIMS history of violations and ignoring the Attorney General’s Consent Agreement in your permit process, CDPH appears to be favoring a convicted polluter over regular Chicago residents.

We only want what every community needs: clean, healthy air.

Signed, Name: _____

Phone: _____

e-mail: _____

Organization: _____

Background details for petition

1. A “risk assessment statement” from the USEPA with partial information and without any details was sent to the CDPH. The community became aware of it after raising this critical issue in an email exchange (5/13/24). As of 6/14/24, this “risk assessment statement” was not made public and we know from the USEPA portal that for VOCs “EPA is evaluating whether emissions from the facility present any long-term risks to human health.

“Where is the official EPA report substantiating that there is no risk for adults and children [at the nearby Whittier elementary school which has 246 students 91.5% of whom are from low-income families]?”

2. As of today, 6/14/2024, there is not an official EPA statement and report substantiating that there is no risk (to adults and children) on the USEPA portal. A recent communication with Attorney General (6/5/24) confirms that this USEPA risk assessment report is not available yet.
3. An update of the Air quality modeling section in the LRF permit application (May 14, 2024 “Metal Management Midwest Updated Modeling and Emission Controls Modeling”) was submitted **5/14/2024** a day (!) before CDPH’s first “public hearing” on the 5/15/2024 and it was not included in the initial supplemental material that SIMS submitted.

This begs the question: why did CDPH accept SIMS’s incomplete application? The LRF rules clearly state, “*The Applicant must submit the entire application electronically in a portable document format*”.

4. In our original communication with CDPH (5/13/24) we pointed out that the SIMS application is not complete. The May 14, 2024 “Metal Management Midwest Updated Modeling and Emission Controls Modeling” memorandum confirms this point and the problems with transparency and due process.
5. CDPH continues to treat this as a simple permit renewal, though, for the community and the Illinois Attorney General SIMS is a violator of its operating permit and for an unknown time exposed the community to harmful toxics.
6. Even in the last email communication with the CDPH (6/13/24) there is no mention of the timeline and legal obligation of the company to achieve 81% removal efficiency with the new controls. USEPA considers this OBLIGATION critical since it will “continue to require air monitoring until the new controls are installed and we determine that the controls are operating as intended.”

Why is CDPH ignoring this legal OBLIGATION?


7. The consulting company for SIMS in their May 14, 2024 “Metal Management Midwest Updated Modeling and Emission Controls Modeling” memorandum states that they “*performed air dispersion modeling for 24-hour PM10 NAAQS and metal HAPs for the future emission control system [NOT FOR THE EXISTING] for the existing Hammermill Shredder permitted through Illinois Environmental Protection Agency (Illinois EPA) construction permit No. 21120017.*” Again, the permit application and the “Predicted Impact” estimations are predicated on the future emission control system that has NOT BEEN INSTALLED yet. Why is CDPH starting a permit process when no one knows if the “controls are operating as intended”?

Comments for Metal Management Midwest Updated Modeling Report

From Darina Demirev  demirev@rka-inc.com >

Date Tue 9/17/2024 3:51 PM

To envcomments <envcomments@cityofchicago.org >

 1 attachments (881 KB)

Comments on Sims Updated Modeling Analysis for LRF Pmt App.pdf;

[Warning: External email]

Please see attached our comments on the updated modeling analysis for Metal Management Midwest.

Regards,
Darina Demirev
RK & Associates, Inc.
(630) 393-9000



September 17, 2024

Abraham Perez Kiamber
Chicago Department of Public Health
2160 W Ogen Avenue
Chicago, IL 60612

E-Mail
envcomments@cityofchicago.org

**Comments to Refreshed Air Modeling for
CDPH Large Recycling Facility Permit Application
Metal Management Midwest, Inc.,d/b/a Sims Metal – Paulina Facility/Chicago, IL**

Dear Mr. Kiamber,

RK & Associates, Inc. (RKA) reviewed Metal Management Midwest, Inc. d/b/a Sims Metal (Sims) refreshed air modeling report dated May 14, 2024. RKA have previously reviewed and commented on Sims's original Air Dispersion Modeling Study submitted as part of their City of Chicago Permit Application. RKA comments were submitted to CDPH on February 25, 2022.

RKA comments on the original modeling report were not addressed in this refreshed modeling except meteorological data was updated to include more recent metdata from 2019 to 2023.

RKA requested the raw modeling data to verify modeling results. CDPH provided raw input modeling files, meteorological data and NED files. RKA ran AERMOD using the provided input files. Predicted concentrations were confirmed correct for PM10. However, emission rates, control technology efficiency assumptions and emission source modeling parameter selections continue to be used without providing any details documenting emission calculations. It is impossible to confirm if the emission rates used in the input modeling files are reasonably estimated, what material throughputs are used if they are representative of facility's maximum operation rates, what emission factors are selected in the calculations and how these emissions are included in the model.

In addition, background concentrations are not added to the AERMOD predicted concentrations. If background concentration were added, as required for comparison to NAAQS, the impact for this facility would exceed the PM10 NAAQS standard. The 24-hour PM10 background concentration provided in the CDPH "Ambient Air Background Concentrations" list for Northeast quadrat is 102 $\mu\text{g}/\text{m}^3$. Added to the AERMOD predicted concentration of 124.70 $\mu\text{g}/\text{m}^3$, it bring the impact from the facility to 226.70 $\mu\text{g}/\text{m}^3$. This is way above the NAAQS standard for PM10.

September 17, 2024
Abraham Perez Kiamber
Comments to Refreshed Air Modeling for
CDPH Large Recycling Facility Permit Application
Metal Management Midwest, Inc. – Paulina Facility/Chicago, IL
Page 2



Attached are RKA comments provided to the original air modeling. As discussed above, these comments stay except for “Meteorological Data” comments.

If you have any questions or require any additional information regarding the above, please do not hesitate to call me at (630) 393-9000.

Yours very truly,
RK & Associates, Inc.

A handwritten signature in dark ink that reads "Darina Demirev". The signature is written in a cursive style with a loop at the end of the last name.

Darina Demirev
Senior Project Engineer



February 21, 2022

Allison Arwady, M.D.
Chicago Department of Public Health
333 S. State Street, Room 200
Chicago, IL 60604

E-Mail
envcomments@cityofchicago.org

**Comments to Air Dispersion Modeling Study for
CDPH Large Recycling Facility Permit Application
Metal Management Midwest, Inc. – Paulina Facility/Chicago, IL**

Dear Dr. Arwady,

RK & Associates, Inc. (RKA) reviewed the Air Dispersion Modeling Study submitted by Metal Management Midwest, Inc. – Paulina Facility (MMW) as part of their City of Chicago Permit Application. The modeling study was included in Appendix R of the Application. The dispersion modeling study must meet the requirements of the City of Chicago Rules for Large Recycling Facilities. The modeling must evaluate the impact from PM₁₀ emission sources, as well as the following metals: antimony, arsenic, beryllium, cadmium, chromium, cobalt, lead, manganese, nickel, and selenium compounds.

The following inconsistencies with the dispersion modeling procedures were identified:

Emission Rates

Emission calculations to show how emission rates were calculated were not included in this application. At a minimum the emission estimate information that was submitted to the IEPA with construction permit applications or facility Federally Enforceable State Operating Permit (FESOP) must be provided.

Not identifying source of emissions and proper calculations procedures raises questions of the validity of the calculations, especially the history of questionable testing performed without quantifying capture efficiency.

It was stated that AP-42 emission factors and stack test results were used. However, stack test results here appear to refer to testing performed by MMW at their South Paulina facility which were determined by IEPA and others, to be not representative because of poor capture efficiency.

It was not described what emissions factors from AP-42 were used and for what processes. Numerous fugitive emission sources that include stockpiles, screeners, conveyors, and vehicle traffic were modeled without providing any description of how emissions were estimated. Additional information must be provided to verify the approach used to estimate emissions from these sources.

Modeled emissions rates must be representative of the maximum hourly emission rates for each source to estimate the worst-case impact. However, emission rates were listed as 24-hour emission rates, which implies that the maximum hourly emissions were not used for modeling but the averaged 24-hour emissions. Therefore, it is likely that the modeled impacts were significantly underestimated.

Building Downwash

The modeling analysis excludes buildings outside the facility boundary. Buildings outside the facility boundary are located in less than 100 ft from the nearest sources. These buildings may significantly impact the ground concentrations from point sources. Building downwash from nearby buildings, even buildings outside the property line, must be considered in this modeling analysis.

Meteorological Data

Meteorological data for the period of 2012 to 2016 was used in the dispersion model. However, a University of Chicago Chemistry professor retained by a local citizen's group publicly criticized the choice of 2012-2016 met data because it is too old. Met data from local stations might be utilized.

Presentation of Emission Sources

The Hammermill Shredder was modeled as one point source at the infeed chute and one area source at the under-mill oscillator. However, the under-mill oscillator must be modeled as a volume source, similarly to conveyor transfers, as it will be better represented to account for the plume rise. In addition, it was not described how emissions were split between the two sources, what capture efficiency was assumed and why, and if all of the uncaptured emissions were modeled.

Emissions from the shredder top, point source, were modeled at a rate of 0.7507 g/s. However, emissions from shredder bottom were listed as 5.56E-2 g/s/m². The area of this source was not included, which does not allow to compare what part of the emissions were modeled as an area source and a justification was not provided.

Torch cutting emissions were also modeled as an area source, while they would be better presented as a volume source. Emissions calculations are not provided.

Roadway emissions were modeled as an area source. Roadway emissions should be modeled as a line of volume sources. In addition, release height and initial vertical dimension for each roadway area source were selected as release height of 3.50 m and vertical dimension of 2.37 m, without justification. Recommended values for release height and vertical dimension for light-duty vehicles are 1.3 m and 1.2 m, correspondingly, and for heavy-duty vehicles 3.4 m and 3.2 m, correspondingly.

Roadway segments were not shown on the map. It cannot be determined if all roadways at the facility were properly modeled. Each road segment was modeled with the same emission rate of $1.45E-5$ g/s/m². However, traffic on some roads would be much heavier than others. For example, all traffic would go through the entry gate and through the weighing scale. Some areas in the facility would have higher emissions from vehicle traffic than others. The model did not account for this non-homogeneity and possibly underestimated the impact from vehicle traffic closer to the property boundaries.

In general, description of emission sources was missing. Sources were only identified by a Model ID. What was included in each source ID was not identified anywhere in the analysis. Operating rates were not listed. Emission rate calculations were missing. Supporting testing results and specific published emission factors were not provided.

Criteria Pollutants Modeling Results – PM₁₀

The current 24-hour PM₁₀ NAAQS standard is 150 µg/m³. AERMOD predicted PM₁₀ concentration was reported at 145.69 µg/m³. This included only the impact from MMW facility operations. Modeled concentrations were plotted on Figure 2-3, however, a legend was not provided and the figure is not informative of the results.

The modeling analysis stated that there were no predicted exceedances of the NAAQS standard. However, PM₁₀ background levels must be added to the facility predicted impact to compare against the NAAQS standard. If background concentration was added, the impact from this facility would exceed the PM₁₀ NAAQS standard.

The NAAQS standards are protective of public health. Therefore, this modeling analysis demonstrates that the facility endangers the health of the nearby community.

Metal HAPs Modeling Analysis

The reports states that metal HAPs emission rates were scaled to PM₁₀ emissions rates for all emissions units. However, what scaling factors were used and how they were measured and developed was not provided. Emission rates for none of the HAPs were listed.

Lead modeling results were compared against the lead NAAQS standard. However, lead background concentration from the nearest monitoring station must be added to the modeled predicted concentrations before comparing to the NAAQS standard.

Relevant acute or chronic health screening standards/levels were used to evaluate modeled metal HAPs impact. However, comparative levels for carcinogenic compounds were selected as a risk of 1.00E-05. The proposed level of 1.00E-5 from the Wisconsin NR 445.08(03) is for cumulative inhalation impact of all contaminants. Individual carcinogenic risk must be compared to a standard risk of 1.00E-06. The


inhalation risk for arsenic from MMW was estimated at 2.15E-06. This exceeds the acceptable inhalation risk level.

Conclusion

The dispersion modeling analysis is incomplete. It does not identify each emission source at the facility. The report does not demonstrate how PM₁₀ emission rates were developed, nor how HAP emissions were estimated. No testing results, demonstration of control efficiency, or specific AP-42 emission factors were identified. The report does not justify the selected modeling parameters for each source group and how emissions were assigned to each source. PM₁₀ background levels were not added to the predicted AERMOD concentration to compare to NAAQS. If background concentrations are considered, the impact from the facility will exceed the NAAQS standard. Lead background concentrations were not considered in the modeling results. Inhalation risk for carcinogenic compounds must be less than one in a million. This report failed to identify that the inhalation risk for arsenic exceeded the acceptable public inhalation risk.

If you have any questions or require any additional information regarding the above, please do not hesitate to call me at (630) 393-9000.

Yours very truly,
RK & Associates, Inc.




Darina Demirev
Senior Project Engineer

PUBLIC COMMENT: Sims-Pilsen Large Recycling Permit

From Sam Gerard <[REDACTED]>

Date Mon 9/16/2024 4:47 PM

To envcomments <envcomments@cityofchicago.org>

 4 attachments (1 MB)

DTSC Guidance on Major Appliances for Scrap Metal Recyclers _ Department of Toxic Substances Control.pdf; DTSC How to Handle Mercury Switches in Major Appliances Fact Sheet _ Department of Toxic Substances Control.pdf; isri-s-guidelines-for-appliance-recycling.pdf; DTSC-Advisory-on-the-Management-of-Spent-Fuels_12202021_V7-Final_a.pdf;

[Warning: External email]

To Whom It May Concern:

Pursuant to the current [Rules for Large Recycling Facilities](#), please accept the following as public comment regarding the Sims Metal Management Deficiency Letter.

Dust and particulate matter leaves their property boundaries.

The act of shredding inevitably creates significant dust and particulate matter (PM10 and PM2.5) that are released into the air. While there are things that Sims can do to help reduce the amount of particulate matter that enters the surrounding community (water sprayers, suction systems, wheel washers, etc.), these systems are either not in place or are inadequate at the shredding yard in Pilsen. Sims also is not located at a property large enough to contain all of their particulate waste. The shredder's proximity to neighboring properties, waterways, and public ways exposes the public to harmful contaminants.

Sims does not use continuous water sprayers, or sprayers and a filtration system, to mitigate particulate matter spreading. They also do not have an adequate storm water runoff system at their outdated facility to address all of the potential pollutants leaching into the ground, waterways, or sewer systems.

In addition to the facility's dust and particulate matter issues, there are additional concerns with other dangerous substances there (mercury, asbestos, fuel, batteries, coolant, etc.). And they do not have a wheel wash system to clean the wheels of trucks as they leave, before they re-enter the community, resulting in pollution of public ways immediately after trucks leave their facility.

Diesel Emissions from Trucks

The facility is often serviced by trucks that are often the oldest trucks on the road, polluting the neighborhood with their exhaust fumes. These older trucks do not contain emission control systems that are found in newer trucks. Additionally, a majority of the trucks are not tarped, and metal material hangs over the sides of the vehicles.

A large percentage of the material being shredded comes from outside of the City of Chicago, which means that diesel trucks from outside of the city constantly come and go. The facility is not a necessary operation to support Chicago recycling because it thrives on importing raw material from

outside the city limits, bringing countless trucks through the Chicago neighborhoods. The constant phrase “critical service for the city” is a misleading statement as a large portion of this material comes from outside the city, and in the case of a large mega shredder, outside the county and state.

CFC handling is not sufficient

In Chicago, the handling of appliances and other recyclables that contain CFCs (chlorofluorocarbons) is not done properly by most recyclers. The shredders pass the responsibility down to their suppliers, following the letter of the law at its most basic and literal sense, but without focus on the intent of the rules and regulations to truly eliminate the release of these hazardous chemicals into the environment. But no real verification is done by the shredding companies. They require that suppliers sign a form promising that they are draining the CFCs and fluids properly, but that is where the responsibility stops. Yes, if they see a unit that contains CFCs they may check to see if it has been drained, but they are not actively ensuring that every appliance that may contain CFCs is drained before it is shredded. Because the shredders pass this important responsibility to their suppliers, while many of these suppliers are not doing things properly, CFCs are getting released into Pilsen every day.

The attachments below are guidelines on how to best handle these contaminants and as Sims has a very prominent presence in California, it would be in the City of Chicago’s best interests to delay the issuance of this large recycling facility permit until Sims is willing to comply with the same practices that they employ in California, in order to help protect Chicago's environment in ways they already do in other states (like California).

[Hazardous Waste Management for Scrap Metal Recyclers | Department of Toxic Substances Control](#)

C O M P L I A N C E G U I D E L I N E
REFRIGERANT RECYCLING REQUIREMENTS
U N D E R T H E C L E A N A I R A C T

The Clean Air Act (CAA or the Act) addresses the manufacture, handling, recycling, and disposal of products containing ozone-depleting substances (ODSs). Of these substances, scrap recyclers are most familiar with chlorofluorocarbons (CFCs). Several requirements in the Act directly apply to scrap recycling facilities. In particular, section 608 requires the safe disposal, including recycling, of products containing ODSs, and prohibits the knowing release of ODSs during recycling or disposal activities. Copies of all regulations referenced in this outline, and additional materials, are available from EPA's Stratospheric Ozone Information Hotline: 1-800-296-1996. With additional questions or concerns, or to request any materials, contact Tom Tyler 202-662-8516.

1. WHY ARE OZONE DEPLETING SUBSTANCES (ODSs) REGULATED?

CFCs and other ODSs are chemicals used as refrigerants in many products handled by the scrap recycling industry, such as motor vehicle air conditioners (MVACs) and home appliances. Scientists have linked ODS emissions from these and other products to the depletion of the Earth's stratospheric ozone layer.

The stratospheric layer of the atmosphere extends about 10-50 kilometers above Earth's surface. The ozone layer is a concentration of ozone molecules that, in the form of a naturally occurring gas, filter the sun's ultraviolet (UV) radiation. A diminished ozone layer allows more radiation to reach the Earth's surface. For people, overexposure to UV rays can lead to skin cancer, cataracts, and weakened immune systems. Increased UV can also lead to reduced crop yield, disruptions in the marine food chain, and other harmful effects.

Chlorofluorocarbons (CFCs) and other ODSs have been used widely as refrigerants, insulating foams, and solvents. Although they are heavier than air, ODSs are eventually carried into the stratosphere in as long as two to five years after they are released. In the stratosphere, UV radiation breaks ODSs apart, releasing chlorine atoms. Those chlorine atoms react with ozone, starting a chemical cycle of ozone destruction that depletes the ozone layer. One chlorine atom can break apart more than 100,000 ozone molecules.



REQUIREMENTS

1. It is against the law to knowingly release or vent ODSs such as CFCs.
2. Scrap recyclers must either:
 - Remove ODSs from products containing them, or
 - Obtain written verification that the ODSs have been previously, or will be, removed prior to delivery.

The United States and other nations established a schedule phasing out worldwide ODS production and use in the international agreement known as the Montreal Protocol. As a result, the Clean Air Act and several state laws restrict the manufacture, use, reclamation, and venting of ODSs. The requirements imposed on scrap recyclers relate to the use of ODSs as refrigerants, but not their use in manufacturing, such as in foam and other insulation materials.

The U.S. Environmental Protection Agency (EPA) published the final rule on refrigerant recycling in the May 14, 1993 *Federal Register*. This guideline gives an overview of the principal requirements scrap recyclers face. *Additional requirements, including those for persons who service or repair (vs. recycle) appliances and automobile refrigeration units, and those who reclaim (vs. recover) used refrigerants, and restrictions on the sale of refrigerant, are not discussed in this guideline.* State and local governments may also impose additional requirements not discussed in this guideline.

1.1 PROHIBITION ON VENTING ODSs

The CAA prohibits individuals from knowingly venting or otherwise releasing ODSs into the atmosphere while maintaining, servicing, repairing, or disposing of an appliance or industrial process refrigeration equipment (CAA § 608(c)). *De minimis* releases associated with good faith attempts to recapture, recycle, or safely dispose of the refrigerant in accordance with all regulatory requirements are an exception. The regulations include recycling in the broader category of disposal. 40 CFR § 82.154(a)(2).

The Act refers to ODSs as Class I and Class II substances. Class I substances include **CFCs, halons, carbon tetrachloride, and methyl chloroform**. Class II substances include **hydrochlorofluorocarbons (HCFCs)**. According to EPA, knowing venting is any release that permits a class I or class II substance to enter the environment and that takes place with the knowledge of the technician during the maintenance, servicing, repairing, or disposal of air conditioning or refrigeration equipment. Knowing releases also include situations in which a technician closes his or her eyes to obvious facts or fails to investigate them when aware of facts that demand investigation. 58 Fed. Reg. 28672.

*Individuals are prohibited from knowingly venting or otherwise releasing ODSs such as CFCs into the atmosphere while maintaining, servicing, repairing, or disposing of an **appliance**.*

-- Individuals also cannot knowingly release refrigerant after it has been recovered from an appliance.

-- Individuals may presume that refrigerant is no longer present in automobiles which arrive at a facility crushed.

-- Accepting certification that equipment has been properly evacuated *while knowing that the certification is false* is a violation of the regulation.

2. SAFE DISPOSAL REQUIREMENTS

Under the safe disposal sections of the CAA, EPA is required to develop regulations that address the removal of ODSs contained in bulk in



appliances, machines or other goods prior to the disposal of such items or their delivery for recycling.

EPA requires that equipment which is typically dismantled on-site before disposal, such as retail food refrigerators and warehouse refrigeration systems, must have the refrigerant removed and recovered **before** it is sent to a scrap metal recycler or landfill. *However, equipment that typically enters the recycling stream with the refrigerant still present, such as household refrigerators and freezers, room air conditioners, and automobile air conditioners, is subject to the safe disposal requirements.* Under those requirements, the last entity in the disposal chain (a scrap metal recycler or landfill) must either remove the refrigerant from an item or obtain certification that refrigerant has been removed from that item, previous to its acceptance.

EPA has clarified that it does not specifically require the last link in the disposal chain to remove refrigerant and that it believes that the most cost-effective stage to remove refrigerant is typically not the scrap recycler or the landfill operator, but an intermediate processor. 58 Fed. Reg. 28703.

SCRAP RECYCLERS MUST EITHER:

1. Recover ODSs from small appliances and MVACs
 - See equipment performance standards and registration requirements for equipment and personnel
2. Obtain signed statement that ODSs have been previously removed from the appliance or shipment of appliances
 - May be specified by contract with regular suppliers
 - Notify suppliers that ODSs must be removed
 - Maintain records for 3 years

What is an *Appliance*?

The Act and regulations define as an “appliance” any device which contains and uses an ODS as a refrigerant and which is used for household or commercial purposes, including motor vehicle air conditioners (MVACs). This guideline summarizes the requirements for the recycling or disposal of “small appliances” and MVACs. Examples of these regulated appliances are:

- refrigerators and freezers designed for home use,
- room air conditioners (including window air conditioners and packaged terminal air conditioners),
- packaged terminal heat pumps,
- under-the-counter ice makers,
- drinking water coolers.
- dehumidifiers,
- vending machines, and

2.1 THE REGULATIONS (40 CFR § 82.156)

(f) Effective July 13, 1993, persons who take the final step in the disposal process (including but not limited to scrap processors and landfill operators) of a small appliance, room air conditioning, MVACs [motor vehicle air conditioners], or MVAC-like appliances must either

(1) Recover any remaining refrigerant from the appliance in accordance with paragraph (g) or (h) below, as applicable; or



(2) Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verification must include a signed statement from the person from whom the appliance or shipment of appliances is obtained that all refrigerant that had not leaked previously has been recovered from the appliance or shipment of appliances in accordance with paragraph (g) or (h) below, as applicable. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery.

(3) Persons complying with paragraph (f)(2) of this section must notify suppliers of appliances that refrigerant must be properly removed before delivery of the items to the facility. The form of this notification may be warning signs, letters to suppliers, or other equivalent means."

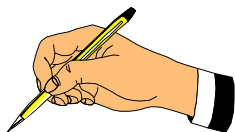
(g) All persons recovering refrigerant from MVACs and MVAC-like appliances for purposes of disposal of these appliances must reduce the system pressure to or below 102 mm of mercury vacuum, using equipment that meets the standards set forth in § 82.158(l).

(h) All persons recovering refrigerant from small appliances for purposes of disposal of these appliances must either:

(1) Recover 90% of the refrigerant in the appliance when the compressor in the appliance is operating, or 80% of the refrigerant in the appliance when the compressor in the appliance is not operating; or

(2) Evacuate the small appliance to four inches of mercury vacuum.

2.2 REMOVAL OF ODSs BY A SCRAP RECYCLER



Recovery Equipment Performance Standards and Registration.

The regulations require that recovery and recycling equipment must be certified by an EPA-approved laboratory or organization. See Appendix A. The owner of the equipment must also register the equipment with EPA. A specific registration form is not required, but EPA has drafted a sample form, which is provided in Appendix B. The owner of the equipment or another responsible party must sign the registration. The registration must be sent to the appropriate

address provided in Appendix C and must include the following (40 CFR § 82.162(c) and § 82.154(f)):

- The name and address of the purchaser of the equipment, including the county name;
- The name and address of the establishment where each piece of equipment is or will be located;
- The number of service trucks (or other vehicles) used to transport technicians and equipment between the establishment and job sites and the field;
- The manufacturer's name, the date of manufacture, and if applicable, the model and serial number of the equipment (not necessary for self-built equipment); and
- A statement that the equipment will be properly used in recovering refrigerant from appliances and that the information given is true and correct.

Persons Recovering ODSs. Although technicians in the servicing sector must pass an exam administered by an approved EPA testing organization, no such requirement exists for technicians in the so-called disposal sector, which includes scrap recyclers.

Sale of Recovered Refrigerant. Refrigerant recovered from products during disposal or recycling must be sold to reclamation facilities for purification before being reintroduced into the servicing sector.

2.3 *REQUIREMENTS IF SCRAP RECYCLER IS NOT REMOVING THE ODSs*

EPA requires that scrap recyclers receive **certification** from, or **contracts** with, their suppliers stating that remaining refrigerants have been, or will be, removed in accordance with EPA regulatory requirements. Recommended language, which the Agency has reviewed, is included at Appendix D. A certification must include:

- The name and address of the person who recovered the refrigerant, and
- The date the refrigerant was recovered.

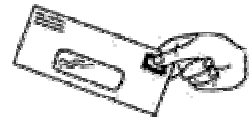


Certifications **must** be filled out completely and legibly. Forms that are incomplete or illegible will **not** protect the scrap recycler from liability for improper venting of refrigerants. Certification forms per appliance or per load are not required from a supplier with whom the scrap recycler has a contract guaranteeing that remaining refrigerants will be properly recovered prior to delivery. Certifications are not required for individual appliances provided that the scrap recycler receives either: a certification

for a shipment of inbound scrap or a contract stating that one party has the responsibility to remove refrigerant before delivery for recycling. The Agency believes that the contract option is appropriate for businesses such as the automotive dismantlers to streamline transactions in cases where they maintain long-standing business relationships with the scrap dealers. 58 Fed. Reg. 28704.

EPA has stated that if a facility operator receives a supplier's certification in *good faith*, he or she will be relieved of any liability if in fact the ODSs were not properly removed. The Agency wishes to clarify that if the processor did not know and had no reason to know that the certification was false, that he or she would not be liable for violating the regulations. 58 Fed. Reg. 28703, 28704. However, if the facility operator knows or should know that the ODSs remain in the appliance, he or she could be liable for an improper venting of refrigerants.

Notice to suppliers. Scrap recyclers requiring that refrigerants be removed prior to delivery for recycling must notify of that policy. This notification may be by warning signs, letters to suppliers, or other equivalent means.



2.4 FREQUENTLY ASKED QUESTIONS

What if I don't accept appliances? Facilities that will not accept appliances should make that policy clear to suppliers and should maintain a program to avoid receiving appliances, such as posting warning signs and reviewing incoming loads.

Must I inspect incoming appliances that are covered by a supplier's certification or contract assuring refrigerant recovery? No. EPA considered and rejected such a requirement.

In the proposal, the Agency suggested, but did not require, that periodic inspections be used as a method for the processor to determine that the claims being made by certifiers are true. 58 FR 28703. Some aggressive EPA regional personnel have, nonetheless, inspected scrap recycling facilities in a manner suggesting that inspections were required or preferred. Because of these actions and various Agency memoranda, *recyclers who inspect incoming appliances may in fact expose themselves to additional liability.*

In a 1996 memorandum, the agency stated, If a scrap recycler inspects incoming appliances for CFCs, any appliance containing refrigerant found beyond that point is a violation by the scrap recycler. If a scrap recycler simply accepts appliances with verification forms and a charged appliance is found about to be processed, it is not a violation by the scrap recycler, but for any subsequent shipment of appliances [from the same supplier], the scrap recycler can no longer accept verification statements from this supplier in good faith without some independent means of verifying that the statements are truthful and accurate because the scrap recycler knows or has reason to know that the verifications statements were false. The agency did not, however, elaborate on the difficulty of identifying the supplier from whom particular appliances were received, or on the independent means of verifying the truthfulness of statements from suppliers.



Must I be able to track every particular appliance, so that I can locate its certifying paperwork? No. The regulations contain no such requirement, which would be difficult if not impossible in most facilities. The agency has also reconfirmed in memoranda that such tracking is not required. The regulations mandate instead that scrap recycling facilities either properly recover remaining refrigerant themselves or require suppliers to verify of proper refrigerant recovery with certification forms or contracts assuring proper refrigerant recovery. In order to provide flexibility, the regulations also do not require the marking or labeling of individual appliances. 58 Fed. Reg. 28703.



What about crushed automobiles? EPA acknowledges that automobiles commonly arrive at a scrap recycling facility already crushed, and that such automobiles no longer contain refrigerant. Consequently, it may be safely presumed that refrigerant is no longer present in equipment that is received in such condition. [However], this clarification does not alter the responsibility [of the facility] to obtain certification when receiving equipment [such as crushed automobiles] from suppliers. 58 Fed. Reg. at 28704.

Can I accept crushed or demolished appliances? Yes. EPA clarified in a 1996 memorandum that If a [scrap recycler] receives an appliance which has been put through a process in which refrigerant should have been previously recovered ... EPA believes that these appliances are no longer subject to the safe disposal regulations. For example, appliances that have been crushed, flattened or otherwise demolished are no longer considered subject to the safe disposal requirements. The person responsible for compliance with the safe disposal regulations is the entity upstream that conducted the processing where the appliance was crushed, flattened or otherwise demolished Note, however, that the agency did not further define those terms, and that some EPA regions are most aggressive in enforcement that the rules or guidance seem to warrant. In other words, recyclers may wish to consider requiring certifications or contracts from suppliers even in cases where they might not technically be required, to better avoid enforcement actions or inquiries.

Can I direct my supplier to cut the refrigerant lines? NO. EPA specifically states that such practices are unacceptable because they direct suppliers to violate the statute and regulations. The knowing release of refrigerant to the atmosphere is a violation of the venting prohibition and accepting certification that equipment has been properly evacuated knowing that the certification is false is a violation of the regulation. 58 Fed. Reg. 28704.



Can I accept appliances that have had their lines cut? Generally yes, as long as you obtain the required signed statement from the supplier. If you believe that the statement is false and the refrigerant was deliberately vented, EPA encourages you to forward that information to the nearest EPA regional office for investigation and appropriate enforcement.

How are parts of appliances regulated? The regulations define appliance as any device which contains and uses a class I or class II substance as a refrigerant EPA has determined that, if an appliance contained several components, and the component responsible for the refrigeration can be isolated and removed, then the remaining parts are no longer

subject to the requirements in that they no longer contain an ODS used as a refrigerant. Therefore, when the refrigeration component of a multi-component appliance has been removed, the scrap recycler may accept the remaining components without also requiring a signed statement from the supplier.

Under this interpretation, a compressor must be treated as an appliance even when it no longer contains refrigerant. (Note that if a unit had to *actually* contain refrigerant to be regulated, intact refrigerators that had leaked would not be regulated, which would be inconsistent with the intent of the law.) Scrap recyclers who accept appliance hulks without compressors must require that any compressors be accompanied by appropriate supplier certification (statement or contract performance), and must accept that certification in good faith, as described above. **Because EPA has not been consistent in its interpretation of what is a regulated appliance, recyclers may wish to receive certification for appliance parts as well as for appliance hulks or refrigeration components.**

2.5 RECORD KEEPING

Scrap recyclers maintain copies of all signed statements obtained pursuant to these requirements on-site for at least three years (40 CFR §§ 82.166 (i) and (m)).

2.6 ENFORCEMENT

The US EPA, as well as state and local agencies, enforce the requirements of the Clean Air Act. State and local agencies may enforce additional state or local requirements, as well. Under the Clean Air Act, the agencies can impose fines of up to **\$25,000 per violation per day**, even for paperwork requirements. Contact ISRI, and continue to review ISRI publications, for additional information on these requirements.



3. ADDITIONAL INFORMATION AND ANSWERS

ISRI members should continue to review ISRI publications for new interpretations of or changes to these regulations, news on enforcement actions against recyclers. For copies of the applicable law, the regulations, or EPA memoranda and correspondence, or with questions about the refrigerant requirements, contact Tom Tyler at 202/662-8516, email tomtyler@isri.org.

Please note. This guideline is provided for information purposes only and does not constitute legal advice. ISRI makes every effort to provide accurate, timely information, and has written this guideline based on the relevant statute and regulations and information from the U.S. Environmental Protection Agency. Even taking all of the steps required by the law and rule may not, however, guarantee full compliance in the eyes of a regulatory inspector.

APPENDIX A

REFRIGERANT RECOVERY EQUIPMENT STANDARDS

APPENDIX B

RECOVERY EQUIPMENT CERTIFICATION FORM

APPENDIX C

MAILING ADDRESSES FOR EQUIPMENT CERTIFICATIONS

APPENDIX D

SAMPLE CERTIFICATION AND CONTRACT LANGUAGE

APPENDIX A - EQUIPMENT STANDARDS

(l) Equipment used to evacuate refrigerant from MVACs and MVAC-like appliances before they are disposed of must be capable of reducing the system pressure to 102 mm of mercury vacuum under the conditions of the SAE Standard, SAE J1990 (appendix A to 40 CFR part 82, subpart B).

(m) Equipment used to evacuate refrigerant from small appliances before they are disposed of must be capable of either:

(1) Removing 90% of the refrigerant when the compressor of the small appliance is operating and 80% of the refrigerant when the compressor of the small appliance is not operating, when used in accordance with the manufacturer's instructions under the conditions of appendix C, Method for Testing Recovery Devices for Use With Small Appliances; or

(2) Evacuating the small appliance to four inches of vacuum when tested using a properly calibrated pressure gauge.

[58 FR 28712, May 14, 1993, as amended at 59 FR 42957, Aug. 19, 1994]

EPA requires that recovery and recycling equipment manufactured on or after November 15, 1993 be tested by an EPA-approved testing organization to ensure that it meets EPA requirements. Recovery equipment intended for use with small appliances must be tested under either the ARI 740-1993 protocol or Appendix C of the final rule.

The Agency requires recovery efficiency standards that vary depending on the size and type of air-conditioning or refrigeration equipment being serviced. Recovery equipment intended for use with small appliances must be able to recover 90 percent of the refrigerant in the small appliance when the small appliance compressor is operating and 80 percent of the refrigerant in the small appliance when the compressor is not operating.

EPA has approved both the Air-Conditioning and Refrigeration Institute (ARI) and Underwriters Laboratories (UL) to certify recycling and recovery equipment. Certified equipment bears a label reading: This equipment has been certified by ARI/UL to meet EPA's minimum requirements for recycling and/ or recovery equipment intended for use with [appropriate category of appliance--e.g., small appliances, HCFC appliances containing less than 200 pounds of refrigerant, all high-pressure appliances, etc.]. Lists of certified equipment may be obtained by contacting ARI at 703-524-8800 and UL at 708-272-8800 ext. 42371.

NOTE: For copies of SAE J1990 and *Method for Testing Recovery Devices for Use With Small Appliances*, call EPA's Stratospheric Ozone Information hotline at 1-800-296-1996.

APPENDIX B - SAMPLE REGISTRATION FOR REFRIGERANT RECOVERY EQUIPMENT

Please note that the sample equipment certification form on the next page is current, even though its OMB number expired previously.

**THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA)
REFRIGERANT RECOVERY OR RECYCLING DEVICE
ACQUISITION CERTIFICATION FORM**

EPA regulations require establishments that service or dispose of refrigeration or air conditioning equipment to certify by August 12, 1993, that they have acquired recovery or recycling devices that meet EPA standards for such devices. To certify that you have acquired equipment, please complete this form according to the instructions and **mail it to the appropriate EPA Regional Office. BOTH THE INSTRUCTIONS AND MAILING ADDRESSES CAN BE FOUND ON THE REVERSE SIDE OF THIS FORM.**

PART 1: ESTABLISHMENT INFORMATION

Name of Establishment	Street
<input type="text"/>	<input type="text"/>
(Area Code) Telephone Number	City State Zip Code
<input type="text"/>	<input type="text"/>
Number of Service Vehicles Based at Establishment	County
<input type="text"/>	<input type="text"/>

PART 2: REGULATORY CLASSIFICATION

Identify the type of work performed by the establishment. Check all boxes that apply.

- Type A-Service small appliance
- Type B-Service refrigeration or air conditioning equipment other than small appliances
- Type C-Dispose of small appliances
- Type D-Dispose of refrigeration or air conditioning equipment other than small appliances

PART 3: DEVICE IDENTIFICATION

Name of Device(s)Manufacturers	Model Number	Year	Serial Number (if any)	Check Box if Self Contained
1.				<input type="checkbox"/>
2.				<input type="checkbox"/>
3.				<input type="checkbox"/>
4.				<input type="checkbox"/>
5.				<input type="checkbox"/>
6.				<input type="checkbox"/>
7.				<input type="checkbox"/>

PART 4: CERTIFICATION SIGNATURE

I Certify that the establishment in Part 1 has acquired the refrigerant recovery or recycling device(s) listed in Part 2, that the establishment is complying with Section 608 regulations, and that the information given is true and correct.

Signature of Owner/Responsible Officer	Date	Name (Please Print)	Title
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Public reporting burden for the collection of information is estimated to vary from 20 minutes to 60 minutes per response with an average of 40 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the collection of information. Send comments regarding ONLY the burden estimates or any other aspects of this collection of information, including suggestions for reducing this burden to Chief, Information Policy Branch, EPA , 401 M St . S.W. (PM-223Y): Washington DC 20480; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington DC 20503, marked Afternoon: Desk Officer of EPA * DO NOT SEND THIS FORM TO THE ABOVE ADDRESS. ONLY SEND COMMENTS TO THESE ADDRESSES.

Instructions

Part 1: Please provide the name, address, and telephone number of the establishment where the refrigerant recovery of recycling device(s) is (are) located. Please complete one form for each location. State the number of vehicles based at this location that are used to transport technicians and equipment to and from service sites.

Part 2: Check the appropriate boxes for the type of work performed by technicians who are employees of the establishment. The term 'small appliance' refers to any of the following products that are fully manufactured, charged, and hermetically sealed in a factory with five pounds or less of refrigerant: refrigerators and freezers designed for home use, room air conditioners (including window air conditioners and packaged terminal air conditioners), packaged terminal heat pumps, dehumidifiers, under-the-counter ice makers, vending machines, and drinking water coolers.

Part 3: For each recovery or recycling device acquired, please list the name of the manufacturer of the device, and (if applicable) its model number and serial number.

If more than 7 devices have been acquired, please fill out an additional form and attach it to this one. Recovery devices that are self-contained should be listed first and should be identified by checking the box in the last column on the right. Self-contained recovery equipment means refrigerant recovery or recycling equipment that is capable of removing the refrigerant from an appliance without the assistance of components contained in the appliance. On the other hand, system-dependent recovery equipment means refrigerant recovery equipment that requires the assistance of components contained in an appliance to remove the refrigerant from the appliance.

If the establishment has been listed as Type B and/or Type D in Part 2, then the first device listed in Part 3 must be a self-contained device and identified as such by checking the box in the last column on the right.

If any of the devices are homemade, they should be identified by writing 'homemade' in the column provided for listing the name of the device manufacturer. Type A or Type B establishments can use homemade devices manufactured before November 15, 1993. Type C or Type D establishments can use homemade devices manufactured anytime. If, however a Type C or Type D establishment is using homemade equipment manufactured after November 15, 1993, then it must not use these devices for service jobs.

Part 4: This form must be signed by either the owner of the establishment or another responsible officer. The person who signs is certifying that the establishment has acquired the equipment, that the establishment is complying with Section 608 regulations, and that the information provided is true and correct.

EPA Regional Offices

Send your form to the EPA office listed under the state or territory which the establishment is located.

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

CAA 608 enforcement Contact: **EPA Region I**,
Mail Code APC, JFK Federal Building
One Congress Street
Boston, MA 02203

New York, New Jersey, Puerto Rico, Virgin Islands

CAA 608 enforcement Contact: **EPA Region II**,
Jacob K.Javits Federal Building, Room 5000
26 Federal Plaza
New York, NY 10278

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

CAA 608 Enforcement Contact: **EPA Region III**,
Mail Code 3AT21, 841 Chestnut Building,
Philadelphia, PA 19107

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

CAA 608 Enforcement Contact: **EPA Region IV**,
Mail Code APT-AE, 345 Courtland Street, NE,
Atlanta, GA 30365

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

CAA 608 Enforcement Contact: **EPA Region V**,
Mail Code AT18J, 77 W. Jackson Blvd
Chicago, IL 60604

Arkansas, Louisiana, New Mexico, Oklahoma, Texas

CAA 608 Enforcement Contact: **EPA Region VI**,
Mail Code 6T-EC, First Interstate Tower at
Fountain Place, 1445 Ross Ave., Suite 1200,
Dallas, TX 75202

Iowa, Kansas, Missouri, Nebraska

CAA 608 Enforcement Contact: **EPA Region VII**,
Mail Code ARTX/ARBR, 726 Minnesota Ave.,
Kansas City, KS 66101

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

CAA 608 Enforcement Contact: **EPA Region VIII**,
Mail Code 8AT-AP, 999 18th Street, Suite 500,
Denver, CO 80202

American Samoa, Arizona, California, Guam, Hawaii, Nevada

CAA 608 Enforcement Contact: **EPA Region IX**,
Mail Code A-3, 75 Hawthorne Street
San Francisco, CA 94105

Alaska, Idaho, Oregon, Washington

CAA 608 Enforcement Contact: **EPA Region X**,
Mail Code AT-082, 1200 Sixth Ave.,
Seattle, WA 98101

APPENDIX C - MAILING ADDRESSES FOR CERTIFICATIONS

Owners or lessees of recycling or recovery equipment must mail their equipment certification(s) to the **CAA Section 608 Enforcement Contact** in their regional EPA office. Those offices, and the states they include, are listed below.

EPA Regional Offices Listed by State

Alabama	IV
Alaska	X
American Samoa	IX
Arizona	IX
Arkansas	VI
California	IX
Colorado	VIII
Connecticut	I
Delaware	III
District of Columbia	III
Florida	IV
Georgia	IV
Guam	IX
Hawaii	IX
Idaho	X
Illinois	V
Indiana	V
Iowa	VII
Kansas	VII
Kentucky	IV
Louisiana	VI
Maine	I
Maryland	III
Massachusetts	I
Michigan	V
Minnesota	V
Mississippi	IV
Missouri	VII
Montana	VIII
Nebraska	VII
Nevada	IX
New Hampshire	I
New Jersey	II

New Mexico	VI
New York	II
North Carolina	IV
North Dakota	VIII
Ohio	V
Oklahoma	VI
Oregon	X
Pennsylvania	III
Puerto Rico	II
Rhode Island	I
South Carolina	IV
South Dakota	VIII
Tennessee	IV
Texas	VI
Utah	VIII
Vermont	I
Virgin Islands	II
Virginia	III
Washington	X
West Virginia	III
Wisconsin	V
Wyoming	VIII

US EPA REGION I
John F. Kennedy Federal Building
Boston, MA 02203-0001

Connecticut, Maine, Massachusetts, New
Hampshire, Rhode Island, Vermont

US EPA REGION II
290 Broadway
New York, NY 10007-1866

New Jersey, New York and the territories of Puerto
Rico, U.S. Virgin Islands

US EPA REGION III
1650 Arch Street
Philadelphia, PA 19103

Delaware, District of Columbia, Maryland,
Pennsylvania, Virginia, West Virginia

US EPA REGION IV
61 Forsyth Street, S.W.
Atlanta, GA 30303

Alabama, Florida, Georgia, Kentucky, Mississippi,
North Carolina, South Carolina, Tennessee

US EPA REGION V
77 Jackson Boulevard
Chicago, IL 60604-3507

Illinois, Indiana, Michigan, Minnesota, Ohio,
Wisconsin

US EPA REGION VI
Fountain Place 12th Floor Suite 1200
1445 Ross Avenue
Dallas, TX 75202-2733

Arkansas, Louisiana, New Mexico, Oklahoma,
Texas

US EPA REGION VII
726 Minnesota Avenue
Kansas City, KS 66101

Iowa, Kansas, Missouri, Nebraska

US EPA REGION VIII
999 18th Street Suite 500
Denver, CO 80202

Colorado, Montana, North Dakota, South Dakota,
Utah, Wyoming

US EPA REGION IX
76 Hawthorne Street
San Francisco, CA 94105

American Samoa, Arizona, California, territories of
Guam, Hawaii, Nevada

US EPA REGION X
1200 Sixth Avenue
Seattle, WA 98101

Alaska, Idaho, Oregon, Washington

APPENDIX D SAMPLE CERTIFICATION AND CONTRACT LANGUAGE

EPA's regulations generally became effective on July 13, 1993 and contain many requirements applicable to the scrap processing and recycling industry. The EPA regulations require scrap processors to obtain a certification from their suppliers that the refrigerant has been evacuated from the small appliance or shipment of small appliances.¹ To comply with the certification requirement, ISRI has prepared the following sample certification language. Note that in its regulations, EPA provides that certification may be by shipment or, for regular suppliers, by contract if the processor prefers. Thus, ISRI has provided two options for certification language, depending upon the method selected by the member:

Option 1 -- By Contract

This language may be used in contracts with regular suppliers, thus avoiding certification by shipment from these suppliers. The contract need not specify the name or address of the person actually recovering the refrigerant. The following contract language may be used:

Seller certifies that all refrigerant (including but not limited to chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs), as defined in § 608 of the Clean Air Act Amendments and 40 CFR Part 82) that has not leaked previously will be recovered from appliances to be delivered under this contract of sale prior to delivery. Seller further agrees to indemnify and hold (Company name) harmless from any claim, penalty, fine, fee, cost, attorney's fees, or other liability resulting in whole or in part from seller's breach of this certification.

¹ EPA defines "small appliances" to be any of the following products that are fully manufactured, charged, and hermetically sealed in a factory with five (5) pounds or less of refrigerant: refrigerators and freezers designed for home use, room air conditioners (including window air conditioners and packaged terminal air conditioners), packaged terminal heat pumps, dehumidifiers, under-the-counter ice makers, vending machines, and drinking water coolers. 40 CFR § 82.152(v). Note that motor vehicle air conditioners are considered appliances by EPA for the purposes of this regulation and also are covered by the certification requirement.

Option 2 -- Certification By Shipment/Item

[COMPANY LETTERHEAD]

Notwithstanding any warranty or limitation of warranty herein, Seller certifies that to the best of his knowledge, all refrigerant (including but not limited to chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs) as defined in § 608 of the Clean Air Act Amendments and 40 CFR Part 82) -- [Check One]

that had not leaked previously has been recovered from the appliance or shipment of appliances delivered under this sale.
The refrigerant has been removed by (name) _____
_____, located at (address)
_____, on
(day, month, year) _____.

has leaked previously from the appliance or shipment of appliances delivered under this sale.

Seller further agrees to indemnify and hold [company name] harmless from any claim, penalty, fine, fee, cost, attorney s fees, or other liability resulting in whole or in part from seller s breach of this certification.

Seller: _____

Company: _____

Address: _____

City, State, Zip Code: _____

Authorized Signature: _____ Date Signed _____

DTSC How to Handle Mercury Switches in Major Appliances Fact Sheet

March 2005*



Introduction

This fact sheet explains how to remove and handle mercury switches before you crush or shred a major appliance. It supersedes the June 2004 fact sheet and includes reference to recent legislation that changes appliance recycler requirements.

What are major appliances?

A **major appliance** is a machine you have in your home or business, like a

- washer or dryer
- refrigerator, freezer
- water heater
- air-conditioner
- dehumidifier
- trash compactor
- oven, stove, microwave

Why is there mercury in major appliances?

Mercury is a metal with special properties.

- It is liquid at room temperature and conducts electricity. This makes it work well in tilt switches that control motors and pumps. The mercury is

inside a small capsule that can shut off a major appliance or a light when it is tilted.

- It expands when heated. This makes it perfect to use in flame sensors for pilot lights that are found in many major gas appliances. The mercury is in a wire tube close to the pilot light. If the pilot light goes out, the mercury cools and closes the gas safety valve.

How much mercury is in a major appliance?

It depends on the type of switch. A tilt switch in a chest freezer or washing machine has a drop or two of mercury. A flame sensor in a gas oven, gas furnace, or water heater has about two drops of mercury.

Is mercury dangerous?

Mercury is poisonous. If mercury is not disposed of safely, it can be released into the environment and harm people and wildlife.

Contact with mercury can cause:

- birth defects,
- nerve disorders,
- brain damage
- death.

How do people come in contact with mercury?

Mercury can be inhaled, absorbed through the skin, or eaten (in contaminated food).

Do I have to remove mercury switches from major appliances?

Yes. The law says you must remove mercury switches and other hazardous materials from discarded major appliances before you crush, bale, shear or shred them. If you do not, you are breaking the law.

What are the new rules for mercury switches in major appliances?

In 2003, DTSC adopted the “Mercury Waste Classification and Management regulations.” If you handle discarded major appliances with mercury switches, the new rules affect you in two ways:

1. Starting February 9, 2006, all discarded major appliances with mercury switches will be hazardous waste.
2. Mercury switches that were removed from discarded major appliances used to be considered regular hazardous waste. Now, they may be handled as universal waste.

In 2004, Assembly Bill 2277 changed the requirements for appliance recyclers beginning 2006. DTSC will issue a separate fact sheet to address the requirements of the bill.

What is universal waste?

Universal waste is a type of hazardous waste in which the rules for handling universal waste are simpler than for hazardous waste.

Am I affected by the new rules?

Yes, if you are a scrap metal recycler who accepts discarded major appliances. A scrap metal recycler is:

- a used appliance dealer,
- an appliance recycler,
- a scrap metal yard, or

- anyone who handles a major appliance after it is no longer used.

Scrap metal recyclers must verify that the mercury switches have been removed from the major appliances before crushing, baling, shearing or shredding them.

Warning: Mercury is dangerous. Do not try to remove a mercury switch unless you have the right training and equipment!

Where can I learn more about these rules?

To learn more, read these fact sheets:

- [Managing Universal Waste in California](#)
- [Summary of Universal Waste Handler Requirements](#)

Which major appliances have mercury switches?

Mercury switches can be in:

- **Chest Freezers:** If the lid has a light and there is no plastic tab or button that turns the light on and off, the freezer may have a mercury tilt switch. But, freezers made after January 1, 2000 do not have mercury switches.
- **Washing Machines:** Some washing machines may have 2 mercury tilt switches. One switch is used for switching off the power when the lid is raised. If a washing machine does not have a plastic tab or button in the lid to switch off the power, it probably has a mercury switch. The second switch is used for switching off the power if the load is not balanced. This switch is attached to the back wall inside the washing machine. Some washing machines built before 1980 may have mercury switches.
- **Gas Ovens:** Mercury flame sensors that are used in some gas ovens are located near the back wall inside the broiler cavity. If there is a thin metal wire in the back of the broiler cavity, and it is connected to the pilot light assembly, it may be a mercury flame sensor. The thin metal wire is actually hollow and contains mercury. If you see insulated wires instead

of a thin metal wire, it is not a mercury flame sensor. Ovens with lights that do not have an on/off switch may have mercury tilt switches.

- **Electric or Gas Space Heaters:** These may have mercury switches and flame sensors.
- **Commercial Gas Water Heaters:** Water heaters that hold 100 gallons or more may contain mercury flame sensors. If the water heater has a gas valve with a very thin metal wire plugged into it, it may have a mercury flame sensor. The metal wire is actually hollow and contains mercury.
- **Gas Furnaces:** Like commercial gas water heaters, gas furnaces may have mercury flame sensors. The flame sensors may either be plugged directly into the gas valve or into a control box near the gas valve.
- **Other Commercial or Home Appliances:** Like boilers, gas refrigerators, gas air conditioners, dryers, and microwave ovens may have tilt switches and flame sensors with mercury.

A list of the major brand names of these appliances appears below. Mercury flame sensors in commercial gas water heaters and gas furnaces are similar. These parts may be used on models that do not typically use mercury flame sensors.

How do I remove a mercury switch?

To learn how to remove mercury switches from appliances, read or download: [Self-Training Manual for Removing Mercury Switches from Major Appliances.](#)

Is it hard to remove a mercury switch? How long does it take?

It depends on the major appliance. Some switches only take a minute to remove. Others can take longer. For example, it will take you longer to remove a switch from a gas stove than from a chest freezer. If the appliance is rusty or greasy, etc. it may be harder.

When should I remove switches from major appliances?

The best time to remove the switches is as soon as you get the appliance, when you remove any CFCs or PCBs.

What do I do with mercury switches after I remove them?

You can handle mercury switches as hazardous waste or as universal waste. Handling mercury switches as universal waste is simpler and easier than handling them as hazardous waste.

To handle mercury switches as universal waste, see the rules in the Calif. Code of Regulations, Title 22, Chapter 23, Article 2. Or, read "[Managing Universal Waste in California.](#)"

How do I store mercury switches?

1. Keep the mercury switches in a closed container in good condition.
2. Do not use a metal container. Mercury can react with metal or leak through the seams.
3. Wrap the switches in padding, like bubble wrap, so they won't break.
4. Keep the containers where they won't be disturbed.
5. Mark the container. Write on the label:
 - "Universal Waste – Mercury," or
 - "Waste – Mercury Switches," or
 - "Used Mercury Switches"

How long can I keep mercury switches?

If you handle them as universal waste, you can keep mercury switches for up to a year. Write the date on the container when you first store a mercury switch in it. That way you can show an inspector that you have not kept mercury switches for more than a year.

Do I need an EPA identification number to handle mercury switches as universal waste?

You do not need an EPA ID number unless you have more than 11,000 pounds of universal waste at one time. But, you still have to:

- Have a system for cleaning up mercury, and
- Train employees on how to handle switches and what to do in an emergency.

Do I need a special carrier to transport mercury switches?

No. If you handle them as universal waste. You can transport the switches yourself. They have to be in sealed containers. If a switch is broken or damaged, put it in a sealed plastic bag inside the container. You do not have to use a hazardous waste manifest or a registered hazardous waste transporter.

If you handle other hazardous wastes, you can use your hazardous waste hauler to transport your mercury switches. You can also hire a commercial carrier that takes universal waste. Make sure the carrier knows and follows the rules for transporting universal waste.

If you ship packages of mercury switches by **air or by water**, you must follow the U.S. Department of Transportation (DOT) regulations for transporting hazardous materials. If you use **ground** shipment, your package must meet the DOT regulations only if it contains more than one pound of mercury.

Where can I ship mercury switches?

You have to ship mercury switches to an authorized mercury recycling facility. You can take your mercury switches to a recycler or to a universal waste handler who collects switches before sending them to a recycler.

A list of mercury switch handlers and transporting facilities in California appears below

A list waste destination facilities in California appears below.

Do I have to keep any records?

Yes. If you choose to manage mercury switches as universal waste, then you must keep the following records for at least three years:

- The total number mercury switches you remove,
- The total number of major appliances destined for crushing, baling, shearing or shredding, and
- The total number of major appliances you found to contain one or more mercury switches.

What if there is a mercury spill?

Be very careful! It is dangerous to inhale, swallow, or handle mercury. If you see a broken, leaking, or damaged mercury switch, put it in a sealed plastic bag and then into a container.

Do not try to vacuum a mercury spill! Vacuuming spreads mercury vapors into the air. It can do more harm than good.

Write a plan of what to do if there's a mercury spill. Keep personal protective equipment and a mercury spill kit nearby when you remove mercury switches. Make sure that the staff knows exactly how to use them. You can get affordable spill kits from laboratory and safety supply stores.

What if someone is exposed to mercury?

Mercury on the Skin: Wash the skin with soap and water. Remove all clothes that touched the mercury. Seal the clothes in a plastic bag. Put the plastic bag in a hazardous waste container. See a doctor right away!

Mercury in the Eye: Flush eyes with water for 15 minutes. See a doctor right away!

Swallowed Mercury: Get medical help right away! Call poison control or your doctor for more information.

Where can I get more information?

For information about mercury, how to handle mercury switches, and regulatory requirements, contact a DTSC Public and Business Liaison. Call: (800) 728-6942. Or, go to www.dtsc.ca.gov.

For general information about mercury and mercury switches:

U.S. EPA www.epa.gov/mercury/

Major Appliances that have Mercury Tilt Switches

Chest Freezers

All freezers listed below that were made before 2000 have the switch in the light socket in the lid.

- Baycrest
- Beatty
- Belwood
- Bradford
- Cdn. Appliance Manu.

- Continental
- Coronado
- Deep Freeze
- Derby/Denby
- FHH8
- Franklin
- Frigidare
- GE**
- General Freezer
- Hotpoint
- Kelvinator
- Kenmore
- McCleary
- McGraw-Edison
- Montgomery Ward
- Norseman
- RCA
- Sears Coldspot
- Supreme
- Viking
- Westinghouse
- Wood
- Zenith

**New models of these brands may also have mercury switches.

Washing Machines

- Kenmore
- Maytag
- RCA Whirlpool

For pre-1990 models, the switch is in the arm on the lid under left side of cover. Models manufactured before 1972 may also have a mercury switch mounted to the inside face of the back wall.

Major Appliances with Mercury Switches in Flame Sensor or Safety Valve

Appliances

Ranges/Ovens/ Stoves (With or Without Electric Connections)

- **Manufacturer:** Cholson/Colson
- **Switch Location:** Front of broiler
- **Manufacturer:** Coloric
- **Switch Location:** Rear of burner
- **Manufacturer:** GE
- **Switch Location:** Rear of broiler
- **Manufacturer:** Glenwood
- **Switch Location:** Rear of broiler
- **Manufacturer:** Magee
- **Switch Location:** Rear of broiler
- **Manufacturer:** Magic Chef
- **Switch Location:** Broiler burner

- **Manufacturer:** Preway
- **Switch Location:** Burner
- **Manufacturer:** Sears
- **Switch Location:** Rear of broiler
- **Manufacturer:** Whirlpool
- **Switch Location:** Rear of broiler

Gas Ranges w/Space Heater

- **Manufacturer:** Coloric
- **Switch Location:** Heater burner
- **Manufacturer:** Magee
- **Switch Location:** Heater Burner

Space Heaters

- **Manufacturer:** Presto
- **Switch Location::** Inside bottom
- **Manufacturer:** Thermo Pride
- **Switch Location:** On burner

Commercial Water Heaters

- **Manufacturer:** GE
- **Switch Location:** On burner
- **Manufacturer:** Rheem
- **Switch Location:** On burner

Furnaces and Boilers

- **Manufacturer:** Thermo Pride

- **Switch Location:** On burner
- **Manufacturer:** White Rodgers
- **Switch Location:** On burner

Gas refrigerators and Gas Air Conditioners

- **Manufacturer:** Also except Norcold 1082, 600, 900, 1200
- **Switch Location:** On burner

Sources:

- Guide for Identifying Mercury in Household Applications. Burlington Board of Health. December 2000.
- Mercury Switches in Appliances: Final Report. Prepared for Massachusetts Department of Environmental Protection by Franklin County Solid Waste Management District
- Ontario White Goods Collection & Mercury Switch/Sensor Removal Pilot – Final Report
- Association of Municipal Recycling Coordinators. Prepared for Environment Canada, March 2002

Disclaimer: Mention of product names is not to be construed as an endorsement of that product.

Companies that Handle and Transport Mercury Switches in California

AERC-MTI (Advanced Environmental Recycling Co. – Mercury Technologies Int'l)

30677 Huntwood Ave.

Hayward, CA 94555

Tel: (800) 628-3675

Fax: (510) 429-1498

www.aercrecycling.com

Chemical Waste Management

35251 Old Skyline Road

Kettleman City, CA 93239

Tel: (550) 386-9711

Clean Harbors Los Angeles, LLC Los Angeles Facility

5756 Alba Street

Los Angeles, CA 90058

Tel: (323) 277-2500

Fax: (323) 277-2523

www.cleanharbors.com

Clean Harbors of San Jose, LLC San Jose Facility

1040 Commercial St., Suite 109

San Jose, CA 95112

Tel: (408) 451-5000

Fax: (408) 453-6045

www.cleanharbors.com

Kinsbursky Brothers, Inc.

1314 North Anaheim Blvd.

Anaheim, CA 92801

Tel: (714) 738-8516

Fax: (714) 441-0857

www.kinsbursky.com

Kinsbursky Environmental Management

101 North Glover Ave., Suite B

Chula Vista, CA 91909

Tel: (619) 409-9292
www.kinsbursky.com

Lighting Resources, Inc. Ontario Branch

805 East Francis Street
Ontario, CA 91741
Tel: (888) 923-7252
Fax: (909) 923-7510
www.lightingresourcesinc.com

North State Environmental – Southern California

2776 South Lilac Ave.
Bloomington, CA 92316
Tel: (909) 875-9288
Fax: (909) 875-9813
www.north-state.com

North State Environmental

5519 Clairemont Mesa Blvd.
San Diego, CA 92117
Tel: (858) 273-8669
Fax: (858) 273-8678
www.north-state.com

North State Environmental – Northern California

90 South Spruce Ave., Ste. C3
South San Francisco, CA 94080
Tel: (650) 588-2838
Fax: (650) 588-1950
www.north-state.com

Onyx Environmental Services, Inc.

4227 Technology Drive
Fremont, CA 94538
Tel: (510) 651-2964
Fax: (510) 656-4926
www.onyxes.com

Onyx Environmental Services, Inc.

1704 West First Street

Azusa, CA 91702

Tel: (626) 334-5117

Fax: (626) 334-4563

www.onyxes.com

Onyx Environmental Services, Inc.

5202 Oceanus Drive

Huntington Beach, CA 92649

Tel: (714) 379-6000

Fax: (714) 379-6010

www.onyxes.com

Onyx Environmental Services, Inc.

1125 Hendey Street

Richmond, CA 94801

Tel: (510) 233-8001

Fax: (510) 235-9427

www.onyxes.com

Recyclights, Inc.

2439 Industrial Parkway West

Hayward, CA 94545

Tel: (800) 884-8982

Fax: (510) 782-8984

Safety-Kleen Systems, Inc.

Cluster II, Building 3

5400 Legacy Drive

Plano, TX 75024

Tel: (800) 669-5740

Fax: (972) 265-2000

www.safety-kleen.com

Thomas Gray & Associates, Inc.

1205 West Barkley Ave.

Orange, CA 92868

Tel: (714) 997-8090

Fax: (714) 997-3561

www.tgainc.com

Note: Most hazardous waste transporters registered with DTSC handle and transport mercury switches.

Disclaimer: This list includes commercial firms found to offer mercury-containing switch handling services. DTSC does not endorse or recommend any specific vendor. In addition, this list is for informational purposes only and is not meant to be a complete or up-to-date list of companies that provide mercury-handling and recycling services in California. Contact companies directly to obtain information regarding services provided, company-specific packaging and labeling requirements, and costs.

Waste Destination Facilities that Accept Mercury Switches from California 1

AERC-MTI (Advanced Environmental Recycling Co. – Mercury Technologies Int'l)

2591 Mitchell Avenue
Allentown, PA 18103
Tel: 800-554-2372
Fax: 610-791-7696
www.aercrecycling.com

Bethlehem Apparatus Company, Inc.

890 Front Street,
PO Box Y Hellerton, PA 18055
Tel: (610) 838-7034
Fax: (610) 838-6333
www.bethlehemapparatus.com

Lighting Resources, Inc.

498 Park Drive
Greenwood, IN 46143
Tel: (317) 888-3889
Fax: (317) 888-3890
www.lightingresourcesinc.com

Mercury Waste Solutions, Inc. National Processing Center

21211 Durand Avenue
Union Grove, WI 53182-9711
Tel: 800-741-3343
Fax: 262-878-2699
www.mercurywastesolutions.com

NSSI Sources and Services, Inc.

P.O. Box 34042
Houston, TX 77234
Tel: 713-641-0391
Fax: 713-641-6153
www.nssihouston.com

Onyx Environmental Services, Inc. (dba: Onyx Special Services, Inc.)

5736 West Jefferson Street

Phoenix, AZ 85043

Tel: 800-368-9095

www.superiorserv.com

Disclaimer: This list includes commercial firms that were found to offer mercury-containing switch recovery services. The Department of Toxic Substances Control does not endorse or recommend a specific vendor. In addition, this list is for informational purposes only and is not meant to be a complete or up-to-date list of vendors that provide mercury recovery services in California. Contact companies directly to obtain information regarding services provided, company-specific packaging and labeling requirements, and costs.

1 These facilities have a mercury retort to recover mercury from switches.

***Disclaimer**

This fact sheet does not replace or supersede relevant statutes and regulations. The information contained in this fact sheet is based upon the statutes and regulations in effect as of the date of the fact sheet. Interested parties should keep apprised of subsequent changes to relevant statutes and regulations.



DTSC Guidance on Major Appliances for Scrap Metal Recyclers



Discarded major appliances are valuable sources of scrap metal. Under California law, a major appliance is defined as:

Any domestic or commercial device, including, but not limited to, a washing machine, clothes dryer, hot water heater, dehumidifier, conventional oven, microwave oven, stove, refrigerator, freezer, air conditioner, trash compactor, and residential furnace.¹

Major appliances are composed mostly of metal and do not include electronic devices such as televisions, computers, telephones, stereo equipment, calculators, etc.²

Hazardous Wastes in Major Appliances

Many major appliances contain materials – known as “materials that require special handling,” or “MRSH” – that can harm human health and the environment if they are not properly removed and managed before the major appliance is recycled. California law requires that MRSH be removed by a Certified Appliance Recycler before a major appliance is crushed, baled, shredded, sawed or sheared apart, disposed of, or otherwise processed in a manner that could result in the release or prevent the removal of these materials.³ A person who removes MRSH becomes the generator of hazardous waste and must comply with generator requirements, such as getting an ID number and properly storing and labeling the hazardous waste.⁴

Typical MRSH found in major appliances include the following:

Metal-encased capacitors and components containing polychlorinated biphenyl (PCB) or di(2-ethylhexylphthalate) (DEHP) found in room and central air conditioners, heat pumps,

stoves, microwave ovens, etc. All metal-encased capacitors must be managed as MRSH. Some appliances contain PCBs or DEHP. Even though the manufacturing of PCBs in the United States was phased out in 1979, they can still be found in older major appliances.⁵ Additionally, some fluorescent light ballasts manufactured prior to 1978, such as fluorescent stove lights, may contain small PCB capacitors and/or PCBs in their potting compound. Components that contain PCBs in concentrations that equal or exceed California regulatory limits for toxicity must be managed as hazardous waste.⁶

Refrigerants are found in refrigerators, freezers, and air conditioning units. They include chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and alternative refrigerants, such as ammonia. CFCs and HCFCs are known to deplete the ozone layer. These refrigerants are commonly combined with a refrigerant oil in the compressor. To remove refrigerants from major appliances, you must be a certified appliance service technician per section 82.161 of Title 40 of the Code of Federal Regulations. For more information on Section 608 Technician Certification, please refer to the [U.S. EPA webpage addressing technician requirements](#).

Oils are used to lubricate motors and parts in most major appliances and must be removed and properly handled and managed.⁷ Oils commonly found in major appliances include:

- Compressor oil – a lubricating oil contained in compressors that must be drained from major appliances, such as refrigerators or air conditioners.
- Transmission oil – oil that must be drained from the transmissions of major appliances, such as clothes washers and dryers.
- Capacitor oil – oil in capacitors is a hazardous waste. Capacitors must be removed from major appliances.

For more information on the management of used oil, please refer to this [used oil webpage](#).

Mercury tilt switches, pilot light sensors, thermocouples, and flame switches are found in washers, dryers, chest freezers, furnaces, water heaters, ovens, boilers, space heaters, etc. Mercury-containing items such as thermostats, mercury switches, counterweights, etc. are hazardous wastes that may be managed as universal wastes.⁸

For more information, please visit the [Mercury Waste webpage](#).

Metal compressors can be recycled for their scrap metal value if they meet the definition of scrap metal. Compressors must be drained of free-flowing hazardous waste oils by a CAR before they are recycled.⁹ Compression refrigeration systems found in refrigerators, freezers, and air conditioning units may contain both refrigerants and compressor oil, both of which must be drained and properly handled by a CAR (recycled or managed as hazardous waste).

Any other material that, when removed from a major appliance, is a hazardous waste. While the type and amount of MRSH contained in a major appliance will depend on several factors, the primary factor is age. If you are unsure what types of MRSH the major appliance you are handling contains, please contact the manufacturer for additional guidance.

Certified Appliance Recycler Program

In California, if you remove MRSH from appliances, you must be certified by DTSC through the Certified Appliance Recycler (CAR) program. As a CAR, it is your responsibility to know how to inspect for MRSH and determine if and how an appliance must be de-polluted prior to recycling. CAR certification is not required for federally certified appliance service technicians who are only removing refrigerant.¹⁰

You can read more about DTSC's CAR program and MRSH management on the [DTSC CAR webpage](#) and in this [CAR fact sheet](#). CalRecycle has also developed an [appliance recycling guide](#), which addresses removal of some MRSH. Please be aware that the guidance was developed several years ago, and some of the regulatory explanations may not be current. As always, it is your responsibility to make sure you are complying with current hazardous waste management laws and regulations.

Consequences of not removing MRSH from a major appliance

Improper removal or mismanagement of MRSH can lead to hazardous wastes and/or hazardous waste constituents being released into the environment. Some MRSH components, like PCBs, can travel freely in air, water, soil, vegetation, and animals and deposit on soil and in water. Hazardous wastes can enter the body through ingestion or inhalation of gases, dusts, vapors, fumes, liquids, or solids. In addition to the health and

environmental consequences, failing to remove MRSH from major appliances before they are processed is a violation of the law.

Additional information:

For additional information or questions regarding metal containing wastes and scrap metal, you can contact your local Certified Unified Program Agency (CUPA). To find your local CUPA, follow this link and enter your ZIP code: [CUPA Directory](#)

You can also contact the DTSC Regulatory Assistance Office at:

Phone: 1-800-728-6942

Email: RAO@dtsc.ca.gov

Webpage: [Regulatory Assistance Webpage](#)



Lawsuit Against SIMS

From debby.chagal.net [REDACTED]
Date Tue 9/10/2024 4:02 PM
To envcomments <envcomments@cityofchicago.org>

[Warning: External email]

Is CDPH aware that Sims Metal is being sued by Jersey City, NJ residents that are quite literally sick and tired of living across the channel from Sims' Metal?

Here are a few excerpts from some of the online articles regarding the lawsuit (links below):

The [51-page complaint](#) alleges that “exceedingly loud noise, massive fires and explosions, noxious odors, blindingly bright lights” along with potentially toxic “fine particulate matter and dust” produced by Sims have combined to “invade and do substantial harm to the lives of Plaintiffs.”

Sections of the complaint describing fires at the facility give a flavor for life next to Sims from the residents' perspectives. “On or about [May 24](#) and 25, 2021, a fire at the Sims Facility sent ‘thick black smoke into the air.’ The fire broke out [on May 24](#) and ‘continued to burn through the night,’ before it was finally controlled. Smoke from the Sims Facility was so widespread, it could be seen for ‘miles’ and residents in Upper Manhattan and the Bronx smelled it.” The Jersey City Fire Department and the Fire Department of New York have both responded to fires at the facility, it says.

There have been [a number of fires at the scrapyard over the years](#) and Sims was fined more than \$190,000 by the federal Occupational Safety and Health Administration between 2010 and 2013. Massive fires in 2013, 2019, 2021 and 2022 sent large plumes of smoke into the air that could be seen for miles.

Port Liberté has complained about the facility for years. “This is a hazard for the

community and environment surrounding Sims,” one resident is quoted in the lawsuit. “The smoke from fire (on May, 24-25, 2021) penetrated our houses and building hallways with a toxic smell through the night.”

How could ANYONE reading the facts and statements in this lawsuit believe that Sims has any desire whatsoever to be a good neighbor? Clearly, a company that operates the way Sims does, with no regard for public health or the environment, should be nowhere near ANY residential neighborhood. But allowing a notorious polluter like Sims to continue operating in an Environmental Justice area like Pilsen, where residents are already burdened with excessive levels of pollution from truck traffic and other industry, is outrageous!!! I’m calling on CDPH to Deny the Permit, just like you denied the Permit to Southside Recycling!!!!

<https://www.nj.com/hudson/2024/04/a-heaping-scrap-metal-mess-port-liberte-residents-sue-neighbor-sims-metal-over-noise-health-issues.html>

<https://jcitytimes.com/fed-up-with-fires-explosions-and-noise-from-scrapyard-port-liberte-residents-file-suit/>

<https://www.nj.com/galleries/TKQNCHKMJVAZNGUAVVTHW34UX4/>

<https://jcitytimes.com/wp-content/uploads/2024/05/Complaint.pdf>

Get [Outlook for iOS](#)

CDPH Inspections of Sims

From Bre B [REDACTED] >

Date Tue 9/3/2024 9:13 AM

To envcomments <envcomments@cityofchicago.org>

[Warning: External email]

I just checked the City of Chicago Data Portal for Sims Metal Management at 2500 S. Paulina and I was shocked to see that there has not been an inspection of that facility since April 17, 2024. I also noticed on the CDPH website that the public comment period for Sims' Large Recycling Facility (LRF) Permit application reopened on April 22, 2024. How can it be that there hasn't been a single inspection conducted at Sims in OVER 4 MONTHS, all while CDPH is still considering whether to issue an LRF Permit to Sims?!!! Could it be that CDPH doesn't want to find any more violations at Sims? After all, issuing a permit to a company like Sims, with their abysmal compliance history going back years (not including 2024), would be egregious enough. But to issue an LRF Permit to Sims, while at the same time issuing even more violation notices to that same company, would be scandalous!!!

Another Fire at Sims!!!!

From Ms denise follmar <[REDACTED]>

Date Fri 8/23/2024 9:53 AM

To envcomments <envcomments@cityofchicago.org>

[Warning: External email]

Is CDPH aware of another fire that occurred less than 2 months ago at a Sims facility in Jersey City, New Jersey? (See links to news articles below). Following is an excerpt from one article about the massive fire:

“Jersey City firefighters, with help from Port Authority’s aircraft rescue fire foam team and other agencies, worked more than three hours to extinguish a blaze on a Sims Metal barge that sent massive plumes of smoke into the air Sunday night.

The fire at 1 Linden Avenue East, on the Hudson River waterfront across the channel from the Port Liberté neighborhood, was first reported at approximately 7:30 p.m. The fire started on a barge containing crushed vehicles, firefighters said in radio transmissions.”

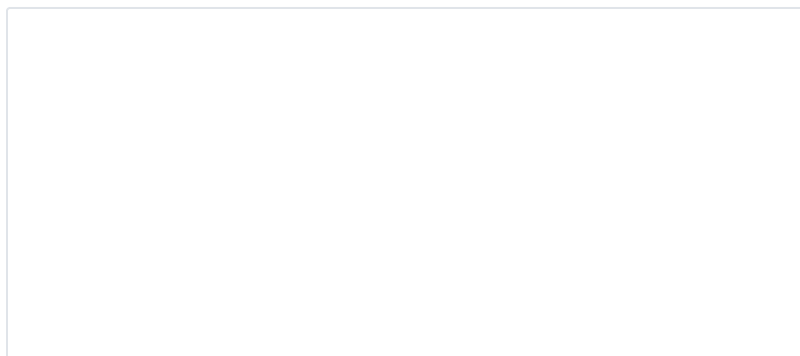
Is CDPH considering the large fires that continue to occur at Sims’ facilities around the country, including the fire at their Pilsen facility last year, when deciding whether to issue or deny a Large Recycling Facility Permit to Sims?

CDPH claims in the permit denial letter issued to Southside Recycling that “The LRF Rules require applicants to demonstrate that proposed facilities will be designed and operated in a manner that prevents public nuisance and protects the public health, safety, and the environment.”

If CDPH applies the same standards to Sims that were applied to Southside Recycling, then clearly Sims’ Large Recycling Facility Permit should be denied. After all, Sims’ continuing inability to prevent fires from occurring, along with their extensive history of violating environmental rules and regulations, clearly demonstrates that they CANNOT operate in a manner that prevents public nuisance and protects public health, safety, and the environment.

<https://www.nj.com/hudson/2024/07/jersey-city-firefighters-battle-another-blaze-at-sims-metal.html>

[Smoke billows from a fire at Sims Metal on Linden Avenue East on June 30, 2024.](#)




Smoke billows from a fire at Sims Metal on Linden Avenue East on June 30...

Smoke billows from a fire at Sims Metal on Linden Avenue East on June 30, 2024.

PLEASE DON'T IGNORE MY COMMENT!!!!

From Bre B [REDACTED] >
Date Tue 8/20/2024 4:49 PM
To envcomments <envcomments@cityofchicago.org>

 1 attachments (9 MB)

Comments not posted to Sims website.pdf;

[Warning: External email]

Upon review of the public comments submitted to CDPH in May and June regarding Sims, I noticed that a comment submitted May 8, 2024 (see below) was not included. Once the latest public comment period closes, please make sure to post the May 8 comment (BELOW), **along with the attachment**, on the website for Sims.

Thank you!

May 8, 2024

I noticed that the Community Environment Information page of the CDPH website has been updated with a section titled **“Public Comment Period Opens: Sims Large Recycling Facility Permit.”** Yet the website also includes the original page for Sims’ Large Recycling Facility Permit application which doesn’t mention anywhere that the initial public comment period ended, or that it was set to end by a certain date. In fact, the original page still states *“CDPH will leave the written comment period open until at least five (5) days following the community meeting. Comments may be submitted to CDPH through this form.* The original website page also includes public comments submitted between December 31, 2021 and October 26, 2023.

The fact that no comments have been posted on the original page for Sims Large Recycling Facility Permit in over 6 months, along with the statement “Public Comment Period Opens” certainly indicates that CDPH closed the comment period. Also, I was made aware that over 40 comments were submitted to CDPH since October 26, 2023, and the fact that none of those comments have been posted is further indication that CDPH closed the public comment period for some amount of time. In the interest of transparency, CPDH should explain to the public when, and why, the public comment period for Sims Large Recycling Facility was closed and a copy of those 40+ comments submitted since October 26, 2023 (ATTACHED) should be posted on the CDPH website as soon as possible, but certainly prior to the May 15 public meeting at St. Pius V Church.

SENT 10/26/23

A few days ago, another fire occurred at a Sims facility which is just one more example of a company's inability to operate safely and in compliance with environmental and safety regulations!!! Please tell the people of Pilsen why CDPH is allowing such a bad actor to continue operating in an environmental justice area. Also please tell the people why CDPH hasn't denied Sims' recycling facility permit yet. Sims clearly presents an imminent threat to the environment and the Pilsen community. Deny the permit!!!

JCFD, MULTIPLE AGENCIES TEAM UP TO EXTINGUISH JERSEY CITY BARGE BLAZE

October 23, 2023 - A stubborn blaze that broke out on a barge carrying 100 tons of recycled automobiles and metal Sunday morning was contained by marine units from Jersey City, Bayonne, North Hudson Regional Fire and Rescue and the New York Fire Department, officials said.

The Sims Metal fire was reported into the water at the foot Linden Avenue at 7:15 a.m. Sunday. The Jersey City Fire Department worked in coordination with the U.S. Coast Guard and Sims Metal personnel to relocate the barge and offload approximately 100 tons of material for extinguishment.

<https://www.nj.com/hudson/2023/10/jcfd-multiple-agencies-team-up-to-extinguish-jersey-city-barge-blaze.html>

<https://www.news.uscg.mil/Press-Releases/Article/3564965/coast-guard-partner-agencies-responding-to-scrap-barge-fire-in-jersey-city-new/>

ANOTHER FIRE REPORTED AT SIMS METAL RECYCLING PLANT IN JERSEY CITY

November 5, 2021 - Jersey City firefighters, with assistance from employees at Sims Metal Management, battled a fire early this morning at the recycling center on Linden Avenue East.

Jersey City firefighters responded to the Sims facility, as they have numerous times since 2010, at approximately 4:30 a.m. and found a working fire within a scrap metal pile, Jersey City spokeswoman Kimberly Wallace-Scalcione said.

Earlier this year, a massive fire burned for hours overnight at the site, sending a putrid cloud of dark smoke that could be seen for miles. Firefighters battled a similar, three-alarm blaze in 2019.

The company drew the ire of Jersey City officials in 2013 after Mayor Steve Fulop blamed Sims Metal workers a fire that go out of control. The mayor said Sims workers tried to extinguish the flames themselves instead of immediately calling the fire department.

Between 2010 and 2013 Sims Metal Management was fined more than \$190,000 by the federal Occupational Safety and Health Administration.

<https://www.nj.com/hudson/2021/11/another-fire-reported-at-sims-metal-recycling-plant-in-jersey-city.html>

SENT 10/31/23

Is anyone at CDPH concerned about Sims releasing toxins into the Chicago River? Based on the fact that Sims was caught releasing mercury 22 TIMES OVER THE LIMIT into the Hudson River a few years ago, it may be worth looking into. How can anyone at CDPH have confidence that Sims is capable of operating a large recycling facility in compliance with environmental rules and regulations? Their disregard for human health and the environment is remarkable, but the fact that CDPH continues to enable serial polluters like Sims is truly astounding! Stop claiming your Agency cares about environmental justice or the people of Pilsen!!!

<https://www.timesunion.com/allnews/article/Scrap-metal-electronics-recycling-yard-polluting-11386616.php>

Mercury polluting Hudson River from scrap metal, electronics recycling yard

A scrap metal and electronics recycling yard in Bethlehem has been spilling unsafe levels of toxic mercury into the Hudson River, according to the state Department of Environmental Conservation.

The state is beefing up the water pollution permit for Sims Metal Management after detecting "high levels" of the heavy metal coming out of drain pipe that empties into the river.

That pipe was among two stormwater drains at the 140 Port Road South facility that were not included under the current state permit, according to DEC paperwork filed last week. Tests found one of those pipes was discharging rainwater that contained mercury at 1,100 parts per trillion, well beyond the state limit of 50 parts per trillion.

Mercury is a potent neurotoxin and is especially dangerous for children and fetuses. Most human exposure to water-borne mercury comes from eating fish contaminated with mercury.

In 2014, Sims was fined nearly \$190,000 by the U.S. Environmental Protection Agency for polluting San Francisco Bay with mercury, lead, zinc, PCBs, and other scrap metal debris at its recycling facility there.

At the time, Sims had no protective covering on the conveyor moving scrap metals from its shredder and onto ships, so the metal dust blew off the top and fell off the sides of the belt and into the Bay. EPA tested the shoreline near the conveyor and found high levels of toxic metals.

SENT 11/1/23

Is CDPH aware that Sims was fined \$4.1 million for knowingly buying stolen scrap? Will this factor into CDPH's decision whether or not to issue a large recycling facility permit to Sims? Or will it be ignored just like everything else Sims does to prove the company is driven by greed, and greed alone!!!

<http://sireweb.ci.richmond.ca.us/sirepub/cache/2/wo0yoiq4ve4fwtrugnkjmq0m/53162210312023042738867.PDF>

Sims Metal Management is to pay \$ 4.1 million as part of a settlement of a civil prosecution brought by the two District Attorneys for breaches of regulations intended to reduce metal theft in California. Sims owns and operates eight metal recycling facilities in Northern California, and was accused by the District Attorneys of consistently violating the anti-metal theft laws. In recent years, California has seen an increase in metal theft from local governments, construction sites, public transit, utilities and foreclosed homes, and according to one of the prosecutors, Contra Costa County District Attorney Mark A. Peterson, the state is facing an epidemic of metal theft. The second prosecuting attorney, San Francisco District Attorney George Gascón added that "metal theft threatens the well-being of our infrastructure and costs the community dearly". In an effort to shut down the market for stolen metal, California has passed laws designed to prevent, deter and detect metal theft by imposing requirements on companies that purchase scrap metal. For example, scrap metal dealers must take steps to determine that the material they are purchasing was not stolen, and they must photograph, fingerprint, and record the identification of individuals selling certain types of scrap metal. Unless a statutory exception applies, dealers must also wait three days before paying the seller for the scrap metal. Undercover investigations According to the City and County of San Francisco's District Attorney's Office, DURING AN INVESTIGATION OF SIMS, UNDERCOVER OFFICERS IN SAN FRANCISCO AND CONTRA COSTA COUNTY OFFERED TO SELL THE COMPANY UTILITY WIRE, COMMUNICATION WIRE, AND PUBLIC UTILITY FIXTURES, THE PROSECUTORS SAID THAT THE COMPANY'S EMPLOYEES PURCHASED THE CLEARLY "STOLEN" MATERIAL, AND FAILED TO RECORD THE REQUIRED INFORMATION ABOUT THE SELLERS. DIGGING DEEPER, THE INVESTIGATORYS SAID THAT A LENGTHY REVIEW OF THE COMPANY'S RECORDS REVEALED THAT THESE FAILURES WERE JUST THE TIP OF THE ICEBERG. For many years, Sims was said to have violated the anti-metal theft laws by, for example, not holding payments for the required three days or buying scrap metal without requiring identification or other information from the sellers.

SENT 11/1/23

According to the City's data portal, there was an inspection of Sims on October 25, 2023 in which CDPH Inspector #129151 "conducted a routine inspection at SIMS Metal Recycler, the facility was actively receiving metal, shredding and decommissioning at the rear of the facility. The air monitors are up and running. USEPA and IEPA are scheduled to be on site to review operation and emissions."

Can someone at CDPH please explain the purpose of this inspection? CLEARLY the purpose of the inspection was NOT to investigate potential compliance issues since there's no mention of looking for off-site contamination, despite the fact that Sims was recently cited by a different CDPH inspector for allowing track out of dirt and debris onto the public way. CLEARLY the purpose of the inspection was NOT to look for off-site shredder fluff or the putrid odors coming from Sims, despite the fact that Sims has been cited numerous times by CDPH resulting in an \$18,000 fine for violation of CDPH regulations. CLEARLY the purpose of the inspection was NOT to look at emissions from the shredder, despite the fact that Sims has been cited by Illinois EPA for allowing smoke to blow off-site and despite an ongoing lawsuit by the Illinois Attorney General against Sims for violations of the U.S. EPA Clean Air Act.

Perhaps Inspector #129151 is merely naïve or hasn't been informed about the history of compliance problems at Sims. If that's the case, someone at CDPH should certainly bring the inspector up to speed about Sims to ensure that a legitimate inspection of Sims actually occurs. However, a cynical person would say the purpose of the October 25 inspection was to create the appearance that CDPH is actually regulating Sims in order to cover up the hypocrisy of allowing Sims to continue operating in an Environmental Justice area with no pollution controls on its shredder.

It's been nearly 3 years since CDPH forced the shut down of a metal shredder in Lincoln Park (General Iron) that was equipped with pollution controls. Meanwhile, Sims is STILL operating a shredder in Pilsen that is spewing uncontrolled emissions of particulate matter, metals and volatile organic compounds into the community of Pilsen with no end in sight. Is this what Environmental Justice looks like?

SENT 11/2/23

Is CDPH aware that Sims has a history of OSHA violations, in addition to their numerous violations of federal, state and city environmental regulations (see OSHA press release below)? According to the press release, Sims blatantly disregarded federal law and knowingly exposed its workers to lead at one of their facilities in New Jersey. OSHA determined that the violations committed by Sims were willful, meaning they were "committed with intentional, knowing or voluntary disregard for legal requirements, or plain indifference to employee safety and health." Additionally, OSHA found other "serious" violations at Sims, meaning they determined there was a "substantial probability that death or serious physical harm could result and the employer knew, or should have known, of the hazard." Such willful misconduct and failure to abide by federal safety regulations should be considered as part of CDPH's review of Sims' large recycling facility permit application. After all, a company that intentionally and knowingly puts its own workers in danger certainly can't be trusted to safely operate a large recycling facility in an Environmental Justice community such as Pilsen.

JERSEY CITY, N.J. - The U.S. Department of Labor's Occupational Safety and Health Administration has issued citations to Simsmetal East LLC, doing business as Sims Metal Management, for exposing workers to lead hazards at its Claremont Terminal site in Jersey City. Proposed penalties total \$188,500.

"Simsmetal East knowingly put its workers at risk by failing to protect them from overexposure to lead, which can cause brain damage, paralysis, kidney disease and even death," said Kris Hoffman, director of OSHA's Parsippany Area Office in New Jersey. "OSHA is fully committed to holding this company legally accountable for its blatant disregard of federal law."

Following its investigations, OSHA cited the company for three willful violations with a penalty of \$165,000 for allegedly failing to fit-test workers using tight-fitting, face-piece respirators prior to initial use of the respirator; make an initial determination if workers were exposed to unhealthy levels of airborne lead; and ensure all surfaces were maintained free of lead accumulations. Willful violations are those committed with intentional, knowing or voluntary disregard for legal requirements, or plain indifference to employee safety and health.

The company was cited for 10 serious violations with a penalty of \$23,500 for allegedly overexposing workers to lead; failing to fully implement a respiratory protection program; dry sweeping lead containing dust; failing to provide a clean change room, lunchroom facility and separate storage facilities for work clothes; and failing to provide a closed container in which to place lead-contaminated protective clothing.

Additional serious citations allege electrical equipment exposed to physical damage; conductors not protected from abrasion; an electrical cord missing a ground pin, which intentionally directs circuits toward the ground to prevent electrical shock, injury or death; lack of strain relief, which prevents damage on cords in use; and lack of visual inspection and hazards associated with safely exiting the facility. OSHA issues a serious citation when there is substantial probability that death or serious physical harm could result and the employer knew, or should have known, of the hazard.

SENT 11/7/23

According to the CDPH website for Sims' large recycling facility permit application, a comment was submitted on 9/13/2023 stating that Sims was served with a Notice of Violation in June 2023 for "VIOLATION OF 11-4-760 HANDLING AND STORAGE OF MATERIAL SUSCEPTIBLE TO BECOMING WINDBORNE; TRACK OUT ONTO THE PUBLIC WAY IS PROHIBITED." Also according to the CDPH website, Sims applied for a construction permit application to CDPH (called an Air Pollution Control permit) which is currently under review by CDPH.

A review of Section 11-4-630 of the Chicago Municipal Code (Standards for issuance of air pollution control permits) reveals that "The commissioner shall grant an air pollution control permit ONLY if the commissioner has determined that the owner or operator of the regulated equipment or area for which a permit is sought is not currently in violation of any substantive standards set forth in Part C of this article or any regulations promulgated pursuant to this article."

Referring to the Substantive Standards of Part C, HANDLING AND STORAGE OF MATERIAL SUSCEPTIBLE TO BECOMING WINDBORNE, Section 11-4-760(a) states "No person shall cause or permit the use, handling, loading, unloading, storing, depositing, or scattering of any substance or material that may become airborne or be scattered by the wind without taking reasonable precautions to minimize windborne particulate matter." Section 11-4-760(d) states "Owners and operators of, and any general contractor or subcontractor working at, any property shall ensure that mud, dirt, and other debris is not tracked onto the public way."

By violating Section 11-4-760(a) and Section 11-4-760(d) of the Chicago Municipal Code, Sims is clearly in violation of multiple substantive standards set forth in Part C of Chapter 11-4 (Environmental Protection and Control). Since Section 11-4-630 prohibits the commissioner from granting an air pollution control permit if the owner or operator of the regulated equipment is in violation of Substantive Standards in Part C, can CDPH assure the people of Pilsen that an air pollution control permit will NOT be issued to Sims? Or will CDPH, in typical fashion, ignore its own rules and regulations and issue the permit to Sims anyway?

SENT 11/9/23

I'm sure CDPH is aware that Sims is a company that owns and operates scrap recycling facilities around the world. So I'm wondering if CDPH is reviewing the compliance history of Sims overall, or whether CDPH has blinders on and will only look at the compliance history of Sims' Chicago facility. While their Chicago facility certainly has more than enough compliance problems of its own to warrant a permit denial from CDPH, the litany of problems at other Sims facilities throughout the United States, and beyond, continues to prove that this company is either unable or unwilling to operate a recycling business that is protective of human health and the environment. Case in point, just over three months ago another Sims facility, this one in the U.K., had a major fire. According to an article (link below) "The fire that sent smoke rising above Hull in the early hours of Friday involved 350 tons of burning scrap metal. Officers advised residents to keep their doors and windows closed after people in parts of east Hull and as far away as Victoria Dock reported a strong smell of burning." If CPDH is NOT reviewing the operating history of ALL Sims facilities in evaluating whether to issue a large recycling facility permit to Sims' Chicago facility, someone from CDPH MUST provide a legitimate reason. The people of Pilsen deserve to breathe clean air just like the wealthy people of Lincoln Park!!

<https://www.hulldailymail.co.uk/news/hull-east-yorkshire-news/fire-spread-strong-burning-smell-8653939>

SENT 11/9/23

What is it going to take for CDPH to act on Sims' Large Recycling Facility Permit application or shut them down? The City claims to care about the health of underprivileged communities and the environmental burdens they face on a daily basis. Yet every day that CDPH allows Sims to operate a metal shredder, with no pollution controls, is proof that the City's Environmental Justice initiative is nothing more than fancy rhetoric. Is shutting down General Iron in wealthy, predominantly Lincoln Park while allowing Sims to continue operating in the Pilsen neighborhood an example of environmental justice? Of course not, it's environmental injustice, aka environmental RACISM!!! One week from today will mark TWO YEARS since Sims' recycling facility permit expired and since Sims submitted a Large Recycling Facility Permit application. Yet CDPH doesn't even have the decency to hold a public meeting or address any of the comments made by concerned citizens for the last two years. Allowing Sims to continue operating with no end in sight is an absolute slap in the face, not just to the residents of Pilsen, but to anyone that ACTUALLY cares about underprivileged communities and the environmental burdens that all minorities face!!!

SENT 11/15/23

Please stop sending Tiffany Williams to inspect Sims since she clearly doesn't know what constitutes an environmental violation. Inspector Williams claimed in a recent inspection report that none of the allegations of dust and smoke from Sims have been proven, that torch cutting is merely one of the "functions of the business" and therefore, "there is no enforcement to be administered". Since when is a company exempt from being cited for violating environmental rules and regulations just because the violation occurred while performing "functions of the business"? As CDPH is aware, Sims has received numerous federal, state and city violation notices which occurred while they were performing "functions of the business." Just this past June, there was a violation notice issued to Sims by CDPH Inspector Kendra Graham for allowing track out of mud onto the public way. Transporting materials to and from Sims via trucks is obviously a function of their business, so why then did Inspector Graham determine that Sims violated CDPH regulations? Using the logic applied by Inspector Williams, Inspector Graham should not have issued a violation notice to Sims. During another recent CDPH inspection, this one in October, Inspector Tracy Ricker noted "apparent torch cutting from which I did observe emissions". Also according to Inspector Ricker, Sims' EHS Manager stated that the "shredded material pile contained significant amounts of heat (and therefore smoked) for significant periods of time (Days)." Based on the fact that 1) Inspector Ricker observed and documented emissions (smoke) from torch cutting and 2) a Sims employee admitted that the shredded material pile smokes for DAYS, how can Inspector Williams possibly state that allegations of dust and smoke from Sims have not been proven? Someone at CDPH should inform Inspector Williams that Sims received numerous CDPH violations and paid an \$18,000 fine, in large part, for allowing shredder fluff to blow off site. Someone should also inform Inspector Williams that fluff STILL routinely blows off site from Sims, whether CDPH inspectors care to look for it or not. Storage and handling of shredder fluff is obviously a function of the business at Sims. This begs the question, if Inspector Williams actually "canvassed" the properties around Sims and shredder fluff was observed off site, would she EVER issue a violation notice to Sims? Or would she instead determine that "there is no enforcement to be administered" since storage and handling of shredder fluff is one of the functions of the business?

SENT 11/22/23

Is CDPH aware that Sims has been sending out mailers to Pilsen residents with ridiculous statements expressing concern about the environment and health of the Pilsen community or that Sims is admitting they don't plan to have pollution controls on their shredder until the end of 2024?!!! In one of those mailers, Sims claims "We are serious about the environment, and we take pride in being a sustainable recycler and a good community neighbor that is keenly focused on the health and safety of our neighbors and employees." In another mailer, Sims claims that "We have been carefully listening to your concerns — which have guided our actions to focus on our environmental performance every day — and we are installing the best available emissions capture and control system. We are deeply invested in doing the right thing and in being a good community partner."

I know the people of Pilsen are not buying the propaganda Sims is spewing in these mailers, but my hope is that CDPH can also see through the dishonesty and look at Sims as the bad actor they are. The fact is that Sims used every possible delay tactic and tried every possible trick to avoid spending money and installing pollution controls on their shredder. If Sims was "keenly focused on the health and safety of the neighbors" it would not have taken a lawsuit by the Illinois Attorney General to force Sims to install those controls. And if Sims really wanted to "do the right thing" they would have installed pollution controls YEARS ago when other recyclers around the country, including General Iron in Chicago, installed controls on their shredder. CDPH could certainly deny Sims' Large Recycling Facility permit based solely on their horrendous compliance history and the fact that Sims continues to prove they are incapable of safely operating a large recycling facility in a densely populated Environmental Justice area. But CDPH should also consider the deception and lack of integrity continually displayed by Sims as further justification for denial of the permit. A large recycling facility with a history of continually trying to skirt environmental regulations has absolutely no business operating in Pilsen.

SENT 12/5/23

A comment submitted to CDPH on March 22, 2023 regarding Sims' Large Recycling Facility Permit application includes a picture of Sims' shredder that appears to have been taken sometime in 2022 (attached). Also attached is a picture of Sims' shredder taken Friday December 1, 2023, along with a piece of propaganda that Sims recently sent out to Pilsen residents. Notice that the top of the shredder appears to have remained UNCHANGED between at least 2022 and today. Also notice that the timeline on Sims' propaganda piece states "Nov 2023 Shredder enclosure work scheduled to complete". Like so many other deadlines that Sims has missed, or completely ignored, Sims clearly missed or ignored this latest deadline as well. This begs the question, will anyone at CDPH EVER hold Sims accountable and demand they install pollution controls? And if Sims can't even meet a deadline for a simple shredder enclosure, does CDPH really believe Sims will be operating an entire shredder pollution control system by October 2024 as they claim in their timeline? Anyone that knows the history of Sims can see that this is just another game to Sims, and the City of Chicago is the one being played. It's long past time for CDPH to stop talking about Environmental Justice and actually step up and protect the residents of Pilsen by denying the permit!!!

Public Comments on Metal Management Midwest, Inc. Application for a Large Recycling Permit

John Pinion <jpinion@rka-inc.com>

Sat 2/26/2022 5:53 PM

To: envcomments <envcomments@cityofchicago.org>

📎 1 attachments (2 MB)

2021-12 SIMS IEPA Construction Permit Application.pdf;

[Warning: External email]



Dear Mayor Lightfoot and Chicago Dept. of Public Health:

In an effort to protect the people of Pilsen and ensure fairness and equity, CDPH should request that the permit application address the same questions that were asked of RMG for the Southside Recycling facility including, but not limited to, the following:

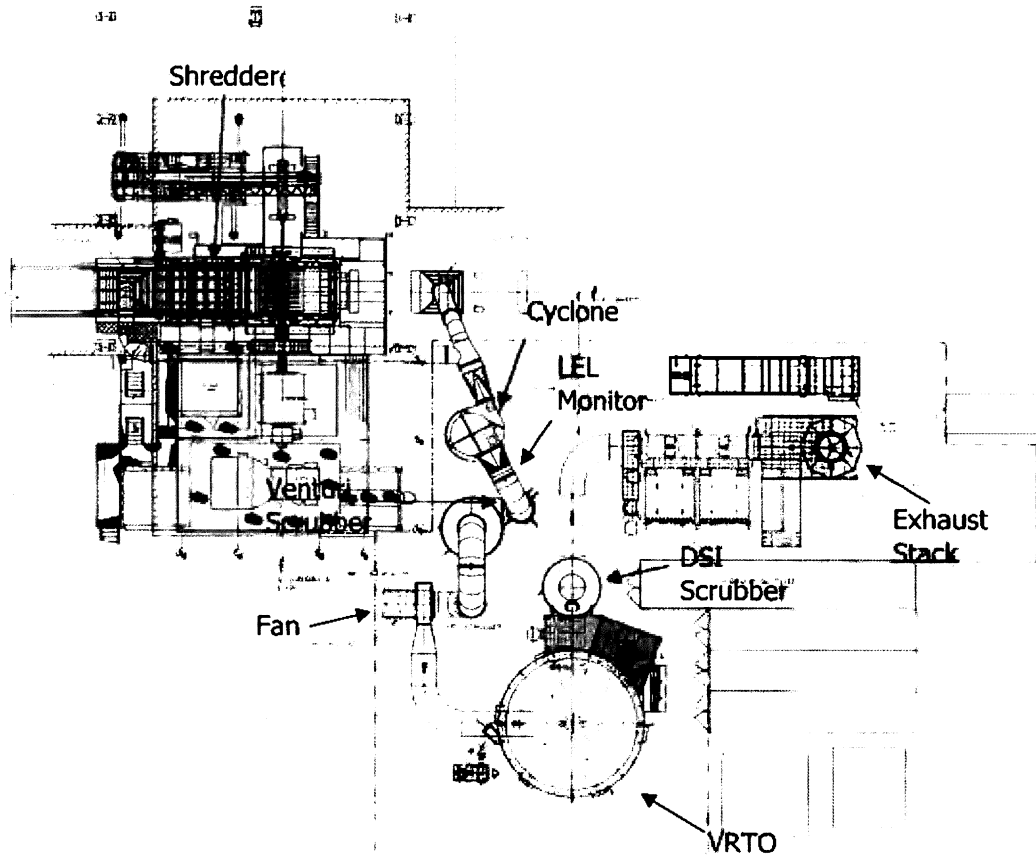
1. Air dispersion modeling should include detailed accounting and modeling of emissions from all processes, vehicle travel over paved and unpaved surfaces, material storage and staging piles, non-road diesel engines, and torch or plasma cutting. The air quality assessment should also include a percent-silt and metals analysis for all unpaved surfaces and stockpiles.
2. Address whether post-processed ASR ("auto fluff") is treated prior to disposal. Should treatment of the post-processed ASR ("auto fluff") become necessary or desired, the application process should be described including where the process would be conducted, the stabilizing-chemical name(s) and their application quantities, personal protective equipment ("PPE") requirements, and copies of all SDSs.
3. Drawings should be provided of the shredder and shredder emissions capture hood in plan, elevation, and isometric views, that make clear any and all openings where emissions may escape without treatment. Calculations should be provided on the estimated capture efficiency of the shredder exhaust capture system, including sizing calculations for all fans, blowers, ducting systems, and hood. The shredder emissions capture hood is referenced in a permit application submitted to Illinois EPA.

If you have any questions, please do not hesitate to contact me.

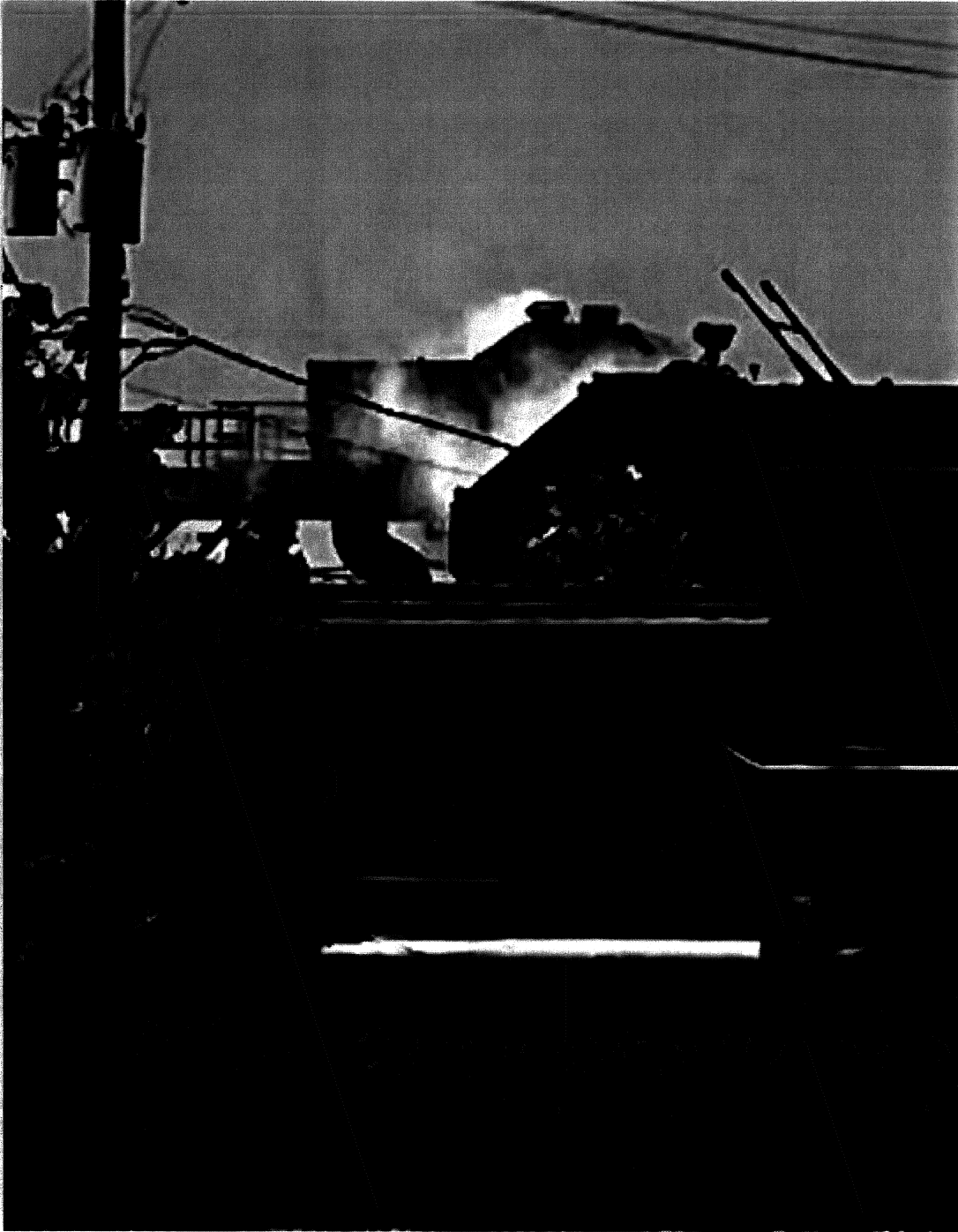
Regards,
John Pinion

RK & Associates, Inc.
2 South 631 Route 59, Suite B
Warrenville, Illinois 60555
Phone: 630-393-9000 x 208
Fax: 630-393-9111

Figure 1-2. Proposed Control Equipment Locations



*Final drawings may differ slightly





December 1, 2023 at 7:40 AM





Your Neighborhood Recycler

Sims Metal is as local as it gets. Our site on Paulina Street in Pilsen is a full-service metal recycling and processing facility. For more than 30 years, this facility has received end-of-life cars, appliances, and industrial metal from community businesses and neighbors just like you. Over the past three decades, our investment in our community has grown, and we established partnerships with a number of local organizations, such as churches, neighborhood public schools, and a food pantry to help ensure their needs are met. We are serious about the environment, and we take pride in being a sustainable recycler and a good community neighbor that is keenly focused on the health and safety of our neighbors and employees.

Advanced Emissions Control Overview

In September 2022, we received approval from the Illinois Environmental Protection Agency to build and install a multi-million dollar advanced emission control system in our shredding plant.

The emission control train was designed to meet the stringent emissions criteria from the IEPA and the United States Environmental Protection Agency. This system will enable us to capture virtually 100% of all generated emissions. Additionally, with this state-of-the-art system in place, the shredder at our Pilsen recycling facility will be one of a handful across the country with these advanced controls.

We already adhere to best practices and use a number of techniques to reduce the potential for fugitive emissions to be released. However, to ensure the highest standards of health and safety, installing and operating the emission control train is how we plan to do even more to keep the air in and around our facility clean.

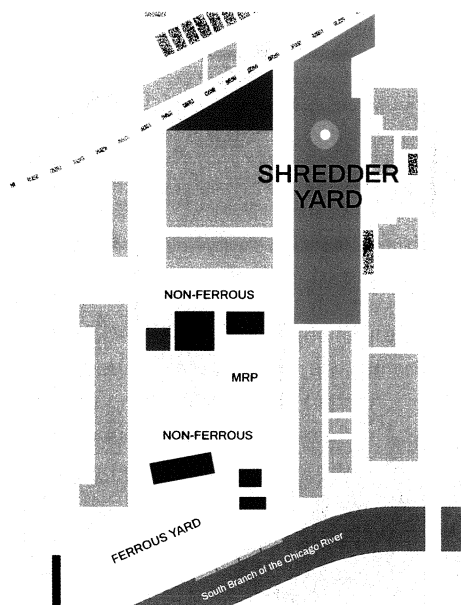
Recycling is Essential

Each year, we process thousands of tons of steel and other metals, and then we send that recycled material directly to mills, foundries and smelters for so they can create new steel and other metal products. Recycling is an essential and critical service for producing new steel while protecting the environment and reducing our reliance on our planet's limited virgin raw materials. We take the items that Chicagoans no longer want and safely process the metal content for reuse. This means that people have somewhere to take their old appliances, cars, or other metal items, so that they aren't dumped in our local neighborhoods. We actually pay you for bringing in your old metal items for recycling, making it possible for these items to be used to manufacture new products that we rely on every day.

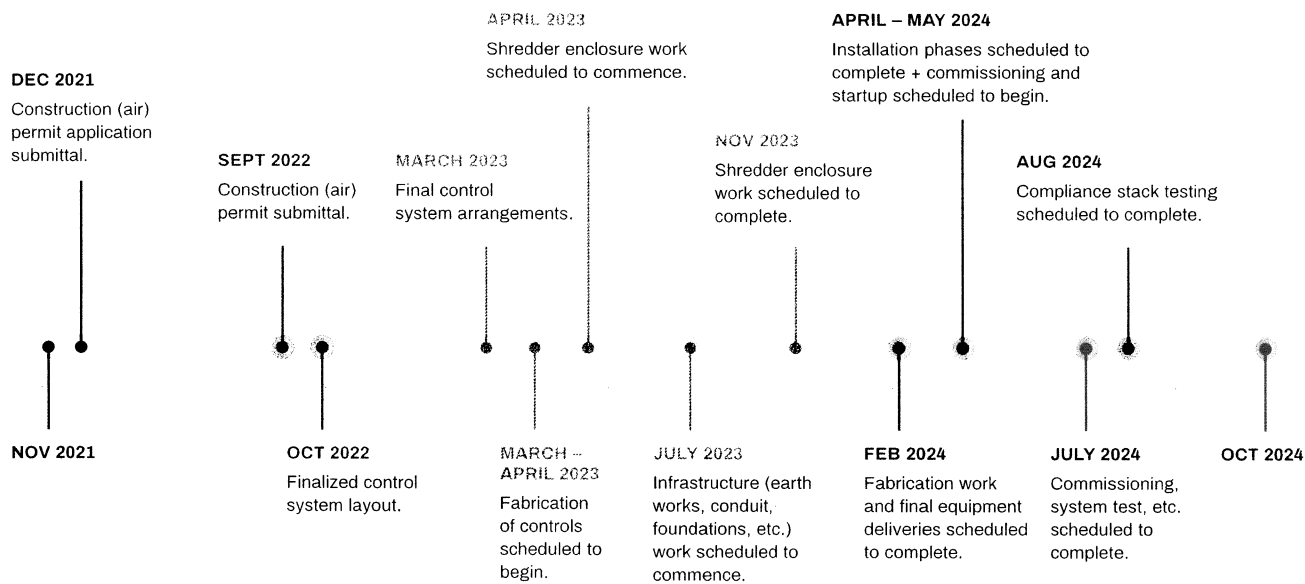
Our Commitment to Sustainability

We are obsessively guided by our purpose, **create a world without waste to preserve our planet**, in how we do business and in our efforts to raise the bar on sustainability. Operating sustainably means that we adhere to federal, state, and local regulations, and we are committed to mitigating potential risks while expanding our impact to keep resources in use for as long as possible in an environmentally conscious manner. While the recycling process may cause emissions to be released, we are diligent about keeping the dust to a minimum. We have a proven dust mitigation plan, which was approved by the IEPA. It includes a smart water system, street sweepers and a vehicle cleaning station, and we also installed five high-tech air monitors to ensure that our dust controls are working. Once we install our state-of-the-art advanced emission control system, we will be able to do even more to ensure the environmental health and safety of our community.

Our business is essential for the future.
We are working to protect our environment,
and we're proud to make that happen
right here in Pilsen.



Implementation Timeline



Frequently Asked Questions

What is the benefit of equipping the Pilsen shredder with an advanced emission control system?

While Sims Metal's air monitoring data on the US EPA's website shows that we are not causing any short-term community health impacts, by installing an advanced emission capture and control system we will be able to eliminate potential health-based risks. Once installed, our Pilsen shredder will be one of only a handful of metal shredders in the entire country with this advanced technology.

How will you know if the system is working correctly and actually controlling what you say it will control?

Applicable permits require continuous monitoring and recordkeeping of the various control device parameters to ensure that they are operating properly, and we will also conduct stack testing to demonstrate proper design and operation.

Will Sims Metal increase the amount of material that goes through the shredder once the advanced controls are in place?

We plan to continue processing the amount of material allowed within the limits of the city permit we have had for more than 18 years.

When will this enclosed system be installed?

We have an aggressive installation schedule that is already underway with plans to complete the project next year. See timeline above.

What is Sims Metal doing now?

While we are waiting for the City of Chicago to approve the renewal of our recycling permit, we are actively working on the design, engineering and installation of a shredder enclosure and the emission capture and control system. This month, we will be issuing payments of more than \$7 million for control device fabrication and related engineering, as well as submitting plans to seek city construction permits for various aspects of the project.

SENT 12/13/23

How will CDPH justify issuing a large recycling facility permit to a serial polluter like Sims, with their history of repeatedly violating environmental regulations, particularly given the fact that Sims is in a densely populated, Environmental Justice area? And before deciding whether to issue a permit to Sims, will CDPH consider the fact that scrap fires are constantly occurring at Sims' facilities? The reason for my inquiry is that it seems like a fire is occurring at one Sims facility or another every time I look at the news. The latest is a fire that occurred at a Sims facility in Australia just a few days ago. According to an article about the incident (link below), "More than 50 firefighters, using 14 fire trucks, battled the blaze in the Christie Street premises for five hours..." and the fire fight was a "marathon" battle. My guess is CDPH will say that Sims will EVENTUALLY install pollution controls, so the people of Pilsen have nothing to worry about. But CDPH knows that pollution controls will do nothing to prevent a pile of scrap metal or shredder fluff from catching fire. The fact is, CDPH knows it's only a matter of time before another fire occurs at Sims Chicago, just like the one that occurred there early this year. What will CDPH's position be if the next fire at Sims is significantly larger like many of the fires at other Sims facilities? And how will CDPH respond if the wind blows the toxic smoke from the fire directly into the Pilsen neighborhood, less than a half mile away? The fact is that a large recycling facility operated by a company (Sims) with a checkered history should NEVER be allowed to operate so close to a densely populated, Environmental Justice area.

<https://www.fire.nsw.gov.au/incident.php?record=recaZ8MhV6xYXdIjp>

<https://www.youtube.com/watch?v=HemD7d0vedI>

SENT 12/22/23

Does inspector 129151 have ANY idea what shredder fluff looks like? And does that inspector know that allowing shredder fluff to blow offsite from Sims is a violation of their permit, as well as a violation of Chicago's municipal ordinance? Has anyone from CDPH told Inspector 129151 that Sims has been issued numerous violations for allowing shredder fluff to blow offsite in the past? The fact that shredder fluff can be found any day of the week at one or more locations on other properties (including the public way) leads one to conclude that, 1) Inspector 129151 has not received adequate training or been informed that Sims has repeatedly been cited for allowing shredder fluff to blow offsite or 2) the inspector is intentionally looking the other way and does not WANT to see the violations. Either way, the result is the same. Sims is violating their recycling facility permit, AND Chicago's municipal code, on a daily basis. The fact that CDPH continues to allow Sims to pollute the neighborhood is completely unacceptable and a slap in the face to the Pilsen community. Assuming that CDPH management is NOT actually instructing inspector 129151 to look the other way and avoid issuing citations to Sims, please refer the inspector to comments previously submitted to CDPH that show what shredder fluff looks like and provide undisputable evidence of the continuing violations being committed by Sims. If compliance history is truly considered a part of CDPH's evaluation process for a Large Recycling Facility Permit, then Sims' Permit should certainly be denied!!!

https://www.chicago.gov/content/dam/city/depts/cdph/InspectionsandPermitting/SIMS_Metal_Management_Comments_11.3.2022%E2%80%931.6.2023.pdf

SENT 12/27/23

JERSEY CITY, N.J. - The U.S. Department of Labor's Occupational Safety and Health Administration has issued citations to Simsmetal East LLC, doing business as Sims Metal Management, for exposing workers to lead hazards at its Claremont Terminal site in Jersey City. Proposed penalties total \$188,500.

"Simsmetal East knowingly put its workers at risk by failing to protect them from overexposure to lead, which can cause brain damage, paralysis, kidney disease and even death," said Kris Hoffman, director of OSHA's Parsippany Area Office in New Jersey. "OSHA is fully committed to holding this company legally accountable for its blatant disregard of federal law."

Following its investigations, OSHA cited the company for three willful violations with a penalty of \$165,000 for allegedly failing to fit-test workers using tight-fitting, face-piece respirators prior to initial use of the respirator; make an initial determination if workers were exposed to unhealthy levels of airborne lead; and ensure all surfaces were maintained free of lead accumulations. Willful violations are those committed with intentional, knowing or voluntary disregard for legal requirements, or plain indifference to employee safety and health.

The company was cited for 10 serious violations with a penalty of \$23,500 for allegedly overexposing workers to lead; failing to fully implement a respiratory protection program; dry sweeping lead containing dust; failing to provide a clean change room, lunchroom facility and separate storage facilities for work clothes; and failing to provide a closed container in which to place lead-contaminated protective clothing.

Additional serious citations allege electrical equipment exposed to physical damage; conductors not protected from abrasion; an electrical cord missing a ground pin, which intentionally directs circuits toward the ground to prevent electrical shock, injury or death; lack of strain relief, which prevents damage on cords in use; and lack of visual inspection and hazards associated with safely exiting the facility. OSHA issues a serious citation when there is substantial probability that death or serious physical harm could result and the employer knew, or should have known, of the hazard.

SENT 12/27/23

SACRAMENTO, Calif. — A fire ignited at a Sacramento recycling center that was previously flagged by state regulators as a cleanup site due to toxic materials.

The fire ignited just after 3 p.m. near 12th and North B streets. The fire was at the Sims Recycling Facility, which has owned the center since 1988. The facility recycles scrap metal, including cars, appliances and more.

The recycling facility has been designated a cleanup site by the California Department of Toxic Substances Control due to the lack of water supply and the existence of motor oil and PCBs at the location.

PCBs are a group of manmade chemicals used in electrical equipment. According to the DTSC, the chemicals are highly toxic, causing illness and birth defects.

Given the facility is still operational, DTSC is considering a covenant on the land until the toxic materials are removed.

Sims has been cited once by California Environmental Protection Agency for a violation for failing to make a complete annual storm water report.

The water board also found an area of concern in 2017 when they found debris in a storm water detention pond.

On Thursday, black smoke could be seen pouring from the yard so thick, witnesses said it completely blocked the sun's rays from shining through.

"The flames were over 50 feet high and a lot of smoke going up into the air," said Allison Johnson as she was walking along the sidewalk outside of the yard. "It was really bad."

For two-and-a-half hours, more than a hundred fire fighters from the Sacramento, West Sacramento and Folsom fire departments fought to put the flames out.

"You could see the flames coming up over here," witness Brian Jonson said pointing to the tall fence surrounding the property. "They were pretty high, and the fire department got in there really fast to tackle it."

Sacramento City Fire Chief Gary Loesch said they had 25 pieces of fire equipment at the scene. Loesch said the plan was to get heavy equipment in so they could dismantle the large pile, get to the bottom of it and put out the smoldering flames deep below.

"We have a large pile, a very large pile of junk cars and appliances that have been crushed up, said Loesch. "They're approximately about 150 feet inside the gate line here."

Firefighters had the fire under control and completely put out just after 6 p.m.

SENT 1/4/24

CDPH claimed that part of the reason the Large Recycling Facility permit for Southside Recycling was denied was due to a single notice of violation issued in 2019, not to Southside Recycling, but to another company located on the property at 11600 S. Burley Avenue (Reserve Marine Terminals or "RMT"). Regarding that notice of violation, CDPH stated in its denial letter to Southside Recycling that "Proper dust suppression - including watering, sheltering dust-emitting activities, and enclosing materials that are susceptible to becoming wind-borne - is an essential aspect of pollution control for the proposed Southside Recycling permit." Fast forward to this past summer when Sims was issued a notice of violation for violating 11-4-760 of the Chicago Municipal Code (HANDLING AND STORAGE OF MATERIAL SUSCEPTIBLE TO BECOMING WINDBORNE). Does CDPH plan to take the same position with Sims that it took with Southside Recycling regarding material susceptible to becoming windborne? Or will CDPH ignore Sims' most recent notice of violation, along with their extensive history of environmental compliance problems, and find a way to justify issuing a permit to Sims? Based on the facts that Sims is still operating in an Environmental Justice area with no pollution controls, almost 4 years since CDPH published the Large Recycling Facility Rules and over 2 years since Sims previous permit expired, the smart money says Sims will eventually get a permit and the people of Pilsen will continue to get dumped on.

SENT 1/11/24

The CDPH website for Sims states that “The IEPA issued a construction permit to Sims on September 15, 2022. Sims’ construction permit application to CDPH (called an Air Pollution Control permit) is currently under review. Sims’ Air Pollution Control permit is separate and unrelated to the company’s application to CDPH for renewal of a Large Recycling Facility permit, which the company must have in order to continue operating. Sims submitted this application on November 12, 2021, with supplemental materials submitted in January 2023. The Large Recycling Facility application also remains under CDPH review. In the meantime, Sims may continue to operate under the terms of their current permit.” Sims’ “current” permit, which expired over 2 years ago, states that “The Permittee may operate 5:00 a.m. to 10:00 p.m. (17 hours) Monday through Friday, and from 5:00 a.m. to 5:00 p.m. on Saturdays and Sundays.” A review of Sims’ operating data that EPA recently made public (link below) shows that the facility operated for 23 days during the month of October, and that on 21 of those 23 days (91% of the time) Sims started operating before 5:00 a.m. The operating data doesn’t show the time that Sims stopped operating on any of the 23 days but it does show the total hours of operation. A review of that data shows that on 3 days in October, Sims operated for more than 17 hours. These are clear violations of their “current” permit. I’m sure there’s nobody at CDPH that is even remotely interested in enforcing this permit condition, but it is most certainly another example of Sims’ inability to operate a Large Recycling Facility in compliance with environmental rules and regulations. CDPH should deny the permit!!!!

<https://www.epa.gov/il/sims-metal-management#oct2023>

SENT 1/16/24

I recently saw an article online (link below) that was published TWO YEARS AGO about the ongoing fight to stop Sims Metal Management from operating in Pilsen. In the article, Alderman Bryon Sigcho-Lopez is quoted as stating "Most of the comments we have received is that the City should work towards relocating this facility. We should put the interests of the public and the health and well-being of our residents before the economic interests. We are respectful of due process, and with an independent health impact assessment, I'm hopeful that this permit won't be renewed here in our community." These statements raise several questions. 1) Why hasn't CDPH performed a Health Impact Assessment for Sims like it did for Southside Recycling? 2) Why isn't the City looking to relocate Sims away from the most environmentally burdened area of Chicago? 3) Does the City care about the Southeast Side of Chicago more than Pilsen? 4) When will CDPH start enforcing the Rules for Large Recycling Facilities that were published OVER THREE AND A HALF YEARS AGO!? 5) If the City is going to allow Sims to continue operating with no pollution controls, with no end in sight, why isn't CDPH at least enforcing its own Rules?

<https://gazettechicago.com/2022/03/pilsen-pushes-for-greener-community-after-sims-metal-lawsuit-filed-by-ag/>

SENT 1/17/24

On the CPDH website for Sims it states "In 2021, Metal Management Midwest, Inc., doing business as Sims Metal Management ("Sims") entered into an Agreed Order with the Illinois Attorney General to implement air pollution controls at their Pilsen facility, including the installation of a Regenerative Thermal Oxidizer (RTO) - a system to capture particulate matter and destroy volatile organic compounds (VOCs). To install these additional controls, Sims must obtain construction permits from both the Illinois Environmental Protection Agency (IEPA) and CDPH. Sims' construction permit application to CDPH (called an Air Pollution Control permit) is currently under review." Under one of the links on that same website (Air Pollution Control Permits, Chicago Municipal Code 11-4-620), it states that "The commissioner shall grant an air pollution control permit only if the commissioner has determined that the owner or operator of the regulated equipment or area for which a permit is sought is not currently in violation of any substantive standards set forth in Part C of this article or any regulations promulgated pursuant to this article." One of those substantive standards (Track out onto the public way) states "Owners and operators of, and any general contractor or subcontractor working at, any property shall ensure that mud, dirt, and other debris is not tracked onto the public way." On June 29, 2023, a CDPH inspector observed "Large amounts of track out on the Southwestern corner of Blue Island Avenue and Paulina." The CDPH inspector subsequently issued a notice of violation notice to Sims for track out onto the public way. Since the commissioner of CDPH is clearly prohibited from issuing an air pollution control permit to Sims due to their violation of a substantive standard, how can Sims be allowed to install the air pollution control?

SENT 1/17/24

Condition 42 of Sims' current recycling permit states "The Permittee shall control and suppress dust and other air-borne materials created by Facility activities so that the off-site migration of these materials does not occur." Section 11-4-760 of the Chicago Municipal Code states "(a) No person shall cause or permit the use, handling, loading, unloading, storing, depositing, or scattering of any substance or material that may become airborne or be scattered by the wind without taking reasonable precautions to minimize windborne particulate matter. (b) No person shall operate or maintain, or cause to be operated or maintained, any building, structure, premises, open area, right-of-way or enterprise which contains, uses or involves any substance or material that may become airborne or be scattered by the wind without taking reasonable precautions to minimize windborne particulate matter. (c) Owners and operators of, and general contractors and subcontractors working at, sites with material piles shall employ dust control measures to ensure that no visible dust or dirt from material piles migrates off the site. A review of the Chicago Data Portal reveals that on January 5, 2024, two CDPH inspectors observed auto fluff from Sims on the property at 2500 S. Ashland Avenue. Isn't this a violation of Permit Condition 42 AND a violation of the Chicago Municipal Code? CDPH issued numerous Violation Notices to Sims in the past for the exact same issue, so why didn't one of the two inspectors issue a Violation Notice to Sims on January 5? Despite the fact that a Violation Notice wasn't issued to Sims, the observation of offsite auto fluff by CDPH inspectors is clearly a violation, and another example of Sims' inability to operate in compliance with environmental rules and regulations. CDPH should deny the permit!!!

SENT 1/23/24

Is allowing shredder fluff to migrate offsite from Sims no longer a violation of CDPH rules? CDPH inspectors Williams and Graham just documented fluff on Ashland Avenue earlier this month, stating "SMALL PATCHES OF FLUFF IN THE SOUTHERNMOST AREA OF PARKED VEHICLES (CLOSEST TO BATTAGLIA WAREHOUSE). THE ALLEGED FLUFF WAS LOCATED AT 2500 S ASHLAND WHICH IS INTEGRAL TO LOCATION AND OBSERVATION OF MATERIALS." During previous inspections, CDPH Inspector Sampra issued numerous violation notices to Sims for HANDLING OF MATERIAL SUSCEPTIBLE TO BECOMING WINDBORNE (11-4-760[A]), AIR POLLUTION PROHIBITED, NUISANCE IN CONNECTION WITH BUSINESS AND VIOLATING CONDITION 42 WHICH REQUIRES THE PERMITTEE TO CONTROL AND SUPPRESS DUST AND OTHER MATERIALS TO PREVENT OFF-SITE MIGRATION." Perhaps CDPH management, or Inspector Sampra, needs to provide Inspectors Williams and Graham with a copy of 11-4-760(A) and Condition 42 of Sims' permit so they know what constitutes a violation in the City of Chicago.

SENT 1/23/24

I found an old petition/form letter online regarding Sims which reads:

We are writing to express our deep concern about the SIMS Recycling facility located in Pilsen. As you are aware, this facility has been a source of pollution and health problems for the residents of Pilsen for far too long. At the same time, we cannot help but notice the stark contrast between the SIMS facility and the former General Iron facility located in Lincoln Park, which has been closed down for 2 years already despite the fact that SIMS has been under EPA investigation for 6 years. This disparity is an example of environmental racism, where communities of color are disproportionately exposed to environmental hazards and the negative health effects that come with them.

It is unacceptable that residents of Pilsen have to bear the burden of all metal shredding pollution in Chicago from the SIMS facility while residents of Lincoln Park have been able to live free from these dangers for 2 years. The closure of the Lincoln Park facility should be a model for addressing the SIMS facility in Pilsen and protecting the health of its residents. I urge you to take immediate action to close down the SIMS facility in Pilsen and ensure that the residents of this community are no longer subjected to its harmful impacts. This is a matter of environmental justice and the health and well-being of the people of Pilsen should be your top priority.

WHEREAS, the SIMS Municipal Recycling facility has a history of not complying with regulations and carrying out operations that are later found to be hazardous;

WHEREAS, the available data from SIMS indicate that its metal shredder has emissions well above those at the now-closed General Iron facility in Lincoln Park;

WHEREAS, even with the implementation of new monitoring systems, the community will not know what hazardous pollutants SIMS is emitting;

WHEREAS, plans for new emission controls are not certain to reduce critical pollutants to acceptable levels and may even increase the danger with some pollutants;

WHEREAS the SIMS Metal Management facility has caught fire, yet it continues to operate, while the former General Iron facility, which also caught fire, was immediately closed down;

WHEREAS this disparity highlights the issue of environmental racism, where communities of color are disproportionately exposed to environmental hazards and the negative health effects that come with them.

We, the concerned residents and advocates, call on Mayor Lightfoot and mayoral candidates to: Immediately shut down the SIMS Metal Management facility in Pilsen.

Deny SIMS their Large Recycling Facility Permit from the Chicago Department of Public Health to operate in our community. We also call on Alderman Sigcho-Lopez and Aldermanic candidate Aida Flores to: Publicly demand that the Illinois Environmental Protection Agency and the Chicago Department of Public Health rescind all previous permits for SIMS. Publicly oppose SIMS' application for a Large Recycling Facility Permit from the Chicago Department of Public Health. Introduce a strong City Air Ordinance to prevent future polluters from entering the Southwest Side. Ensure that current problem companies are not exempt from future air ordinances and environmental protections.

We believe that it is time for our elected officials to take action to protect the health and well-being of the residents of Pilsen and the Southwest Side. The continued operation of the SIMS facility is a threat to our community and it is time for it to be shut down.

We, the undersigned,

Pilsen Environmental Rights and Reform Organization (PERRO)

The petition encouraged concerned citizens to send the same language in a letter to Mayor Lightfoot, mayoral candidates, Alderman Sigcho Lopez, and Aldermanic Candidate Aida Flores. Mayor Lightfoot is no longer in office, but the City certainly received letters from concerned citizens and the issues raised in those letters were undoubtedly shared with CDPH representatives. The language in the petition/letter is at least a year old, but it really highlights the blatant hypocrisy of the City allowing Sims to keep operating in an Environmental Justice area, after forcing the shutdown of General Iron in Lincoln Park. And the fact that Sims is STILL operating with no pollution controls (OVER 3 YEARS SINCE GENERAL IRON WAS SHUT DOWN) truly shows the City's disregard people living near Sims. If CDPH ever holds a public meeting to discuss Sims' Large Recycling Facility Permit application, someone from the City needs to address this hypocrisy and stop ignoring the people of Pilsen.

SENT 1/25/24

Sims Metal Management, which operates the highly visible scrap metal recycling facility on Allens Avenue in Providence, has been sued in U.S. District Court on charges of corruption and "failure to lawfully compensate its scrap metal suppliers" by three Rhode Island businesses.

The RICO (Racketeer Influenced and Corrupt Organization) Act lawsuit against Sims' New England Division was filed by Innercity Recycling Service LLC, Innercity's President, Kenneth Serapiglia, K&R Auto Salvage, and Rhode Island Recycled Metals on September 25.

Thomas Lyons, Serapiglia's attorney, told GoLocal, "The allegation in the suit is that the amounts of truckloads of materials were not correctly weighed by Sims," noting that the plaintiffs have asserted other claims against civil racketeering, would could lead to treble damages.

AND WE ARE SUPPOSED TO BELIEVE THIS COMPANY WANTS TO BE A GOOD NEIGHBOR?

SENT 1/31/24

RICHMOND (CBS SF) -- Two air quality violations have been leveled against a metals company after a fire broke out last week at its Richmond facility, Bay Area Air Quality Management District officials said Tuesday.

Sims Metal Management was issued a public nuisance violation and an illegal open burning violation after a fire Jan. 30 at its scrap metal recycling yard at 600 S. Fourth St.

Fines and penalties are under review and will be levied in the future, air district officials said.

The fire started at about 5 p.m. and led to a shelter-in-place order for residents in the nearby area.

Elevated levels of benzene, a carcinogen, were found in the air near the fire and at an air pollution monitor at Point Richmond.

"The Air District is continuing to investigate this incident for all potential air quality violations in collaboration with Contra Costa Health Services and other agencies," district executive officer Jack Broadbent said in a statement.

Flames burned a large scrap metal pile, sending heavy black smoke into the air and resulting in air quality complaints from residents and local authorities.

Air district officials said that there were road closures and limited evacuations in addition to the shelter-in-place order, all of which prompted the public nuisance violation.

The violation for illegal burning was leveled against the company because it should have prevented the fire.

Dr. David Goldstein, Contra Costa Health Services deputy health officer, said it's difficult to say there was no negative health affects from the elevated levels of benzene.

But "the real concern would be long-term exposure" and the elevated levels did not last long enough for residents to be exposed to benzene "long-term," Goldstein said.

SENT 1/31/24

Federal, state and local law enforcement officials raided a scrap yard on Tucson's west side Tuesday as part of an investigation into trafficking in stolen cars and other items.

Five people connected to Sims Metal Management, 1525 W. Miracle Mile, were taken into custody, and if arrested could face criminal felony charges, police said. Sims Metal Management is the largest metal recycler in the Tucson area and is expected to be closed until officials go through its large inventory.

In the past three months, undercover Tucson police officers sold 11 stolen cars, damaged safes ATMs, as well as wire without the items being properly inspected by workers, said Sgt. Matt Ronstadt, a Tucson police spokesman.

All the vehicles taken to the business were registered as stolen on a database that employees are required by law to check before purchase. The items also had obvious signs of theft-related damage, such as screwdrivers jammed into the ignition or locks that had been broken,

The scrap yard purchased all of them, he said.

"Metal theft in the Tucson area has been a significant problem for the community," Ronstadt said. "That problem wouldn't exist if we didn't have businesses that buy stolen product."

The business would pay undercover officers \$200 to \$300 for the stolen vehicles and then "turn them around by crushing the metal or dismantling materials and make much more than that," he said.

Officers had visited the business in 2007 and warned employees of the requirements for buying vehicles, he said.

Since then, police saw that the business continued to violate numerous laws and regulations related to the inspection, acceptance and purchase of vehicles and property brought in as scrap metal, Ronstadt said.

Officials from the department's auto-theft unit along with the Arizona Attorney General's Office, National Insurance Crime Bureau, Arizona Auto Theft Task Force, Counter Narcotics Alliance, Arizona Department of Transportation, and Immigration and Customs Enforcement served the search warrant early Tuesday.

Some of the stolen vehicles police had used as bait during their investigation were found during the raid, Ronstadt said.

The total number of stolen vehicles believed to have been sold at the business is unknown. Officials have to go through thousands of items and vehicles as part of the investigation.

Owners, managers and employees at the business were contacted by law enforcement Tuesday and were cooperating, said Wakefield, of the auto theft detail. Five people were in custody, and several others were interviewed.

"The company is cooperating fully with the Tucson Police Department and other law enforcement agencies as we try to determine the facts of the case," said Daniel Strechay, a spokesman for Sims Metal Management.

"We anticipate that the Tucson yard will be reopened for normal operations (today). As this is a pending legal matter, we are unable to provide any further information at this time."

SENT 2/1/24

Just another example why Sims' permit should be denied!!!

A fire ignited at a Sacramento recycling center that was previously flagged by state regulators as a cleanup site due to toxic materials.

The fire ignited just after 3 p.m. near 12th and North B streets. The fire was at the Sims Recycling Facility, which has owned the center since 1988. The facility recycles scrap metal, including cars, appliances and more.

The recycling facility has been designated a cleanup site by the California Department of Toxic Substances Control due to the lack of water supply and the existence of motor oil and PCBs at the location.

PCBs are a group of manmade chemicals used in electrical equipment. According to the DTSC, the chemicals are highly toxic, causing illness and birth defects.

Given the facility is still operational, DTSC is considering a covenant on the land until the toxic materials are removed.

Sims has been cited once by California Environmental Protection Agency for a violation for failing to make a complete annual storm water report.

The water board also found an area of concern in 2017 when they found debris in a storm water detention pond.

On Thursday, black smoke could be seen pouring from the yard so thick, witnesses said it completely blocked the sun's rays from shining through.

"The flames were over 50 feet high and a lot of smoke going up into the air," said Allison Johnson as she was walking along the sidewalk outside of the yard. "It was really bad."

For two-and-a-half hours, more than a hundred fire fighters from the Sacramento, West Sacramento and Folsom fire departments fought to put the flames out.

"You could see the flames coming up over here," witness Brian Jonson said pointing to the tall fence surrounding the property. "They were pretty high, and the fire department got in there really fast to tackle it."

Sacramento City Fire Chief Gary Loesch said they had 25 pieces of fire equipment at the scene. Loesch said the plan was to get heavy equipment in so they could dismantle the large pile, get to the bottom of it and put out the smoldering flames deep below.

"We have a large pile, a very large pile of junk cars and appliances that have been crushed up, said Loesch. "They're approximately about 150 feet inside the gate line here."

SENT 2/1/24

Please have CDPH Inspector Williams speak with CDPH Environmental Engineer Tracy Ricker, the EHS Manager at Sims (Chris Daniels) and/or the Yard Manager for Sims so at least one of them can educate and inform Inspector Williams that there are not one, but TWO smoke producing areas at Sims. The latest inspection report by Inspector Williams states "ON TODAY'S DATE THE CDPH INSPECTOR RECEIVED A CITIZEN COMPLAINT REGARDING SIMS METAL MANUFACTURING AT 2500 S PULASKI. THE COMPLAINT CONTAINED NO SPECIFICS AND NO CONTACT INFORMATION BUT SPEAKS TO 'SMOKE.' WITHOUT CONTACT INFORMATION OR SPECIFICS THERE IS NO ACTION TO BE TAKEN AS THERE IS NO SMOKE/FIRE PRODUCING AREA." Let's compare this to an October 12 Inspection Report in which Environmental Engineer Tracy Ricker noted "I OBSERVED WORK ONGOING. THIS WORK INCLUDED APPARENT TORCH CUTTING FROM WHICH I DID OBSERVE EMISSIONS (smoke)." During that same inspection, Engineer Ricker noted that the Yard Manager and EHS Specialist for Sims both "POINTED OUT THAT THAT SHREDDED MATERIAL PILE CONTAINED SIGNIFICANT AMOUNTS OF HEAT (AND THEREFORE SMOKED) FOR SIGNIFICANT PERIODS OF TIME (DAYS)."

SENT 2/1/24

I was driving down South Ashland Avenue the other day and I noticed some type of massive framework around the shredder at Sims. I'm assuming the structure I observed is part of the pollution control system that Sims might install (SOME DAY), although I'm sure they'll continue dragging out the installation and operation of the equipment as long as they can. After all, the residents of Pilsen know that Sims only complies with environmental rules and regulations when they're forced to by the Illinois EPA, U.S. EPA and the Illinois Attorney General. So when I got back home, I went to the CPDH website figuring there would be some information about the structure being built around the shredder. However, not only could I find no mention of ANY work being performed at Sims, but I also noticed that the CDPH website has not been updated for MONTHS. Certainly, a structure as large as the one being built at Sims must have received approval from the City. Yet there is no evidence on the CDPH website that Sims received ANY permits for such a structure. This begs the question, has CDPH already issued permits to Sims, unbeknownst to the residents of Pilsen? If CDPH would actually hold a community meeting, as promised, concerned citizens could ask such questions. But instead, the most vulnerable of Chicago's citizens continue to be kept in the dark and the interests of big business are being prioritized. It's been obvious for years that CDPH has no interest in enforcing environmental rules and regulations, or in protecting residents from the serial polluter that is Sims. But in the interest of transparency, the least CDPH could do is hold a community meeting and provide updates on the website more often than once in a blue moon!!!

SENT 2/6/24

The Sacramento County Superior Court has entered a judgment against Sims Recycling Solutions, Inc. (SRS) in Roseville for violations regarding the mismanagement of hazardous waste.

Under the terms of the judgment the Placer County company will pay the Department of Toxic Substances Control (DTSC) a total of \$400,000. Most of the fine will be for penalties, while \$125,000 will be reimbursement of DTSC's costs in investigating and pursuing enforcement.

"Compliance with hazardous waste laws is critical in protecting public health and the environment, and we take these violations very seriously," said Keith Kihara, Chief of DTSC's Enforcement and Emergency Response Division.

The violations include, but are not limited to, the illegal treatment, storage, transportation and disposal of hazardous waste containing mercury, copper, lead, nickel, and zinc, among other compounds, and failure to operate its facility in a manner to minimize the release of hazardous waste.

SENT 2/6/24

Attempts to reach a market sharing arrangement with a competitor in South Australia have resulted in the largest scrap metal recycler in the Southern hemisphere, Simsmetal Limited, being ordered to pay a penalty of \$2 million.

Following action brought by the Australian Competition and Consumer Commission, the Federal Court in Melbourne today ordered the penalty after accepting joint submissions on penalty, injunctions and other orders. The proceedings were concluded after Simsmetal admitted the conduct.

In handing down his decision, Justice Heerey said: "A number of factors in the present case argue in favour of a substantial penalty:

- market sharing arrangements, like price-fixing, contravene fundamental principles of competition law and are very damaging to the community;
- because such arrangements are inherently difficult to detect, when they are revealed a substantial deterrent is called for;
- the conduct in the present case was quite deliberate, being instigated by Mr Jaksa and occurring over a two week interval;
- the conduct was accompanied by bullying and intimidation by a large and powerful organisation against a vulnerable small trader;
- the corporate culture of TPA compliance by Simsmetal was, not to put too fine a point on it, appalling. Less than a year earlier the company had admitted to serious contraventions".

Simsmetal admitted that in 1995, less than one year after being penalised for similar conduct in Victoria*, it attempted to reach a market sharing arrangement with another scrap metal merchant in South Australia. Although the size of the other merchant's operations could be considered small by comparison with Simsmetal, he was in fact the second largest supplier of processed steel scrap to South Australian foundries and a competitor with Simsmetal for the acquisition of high value 'foundry grade' steel scrap.

Simsmetal admitted that Mr Peter Jaksa, who was employed by Simsmetal as its Ferrous Manager in South Australia, attempted on two occasions to make an arrangement with the competitor to the effect that they would not acquire steel scrap from each other's suppliers. In the course of doing so, Mr Jaksa told the competitor that he "shouldn't go in" to any customer's yard which already had a Simsmetal scrap collection bin on the premises, and that if the competitor did so, Simsmetal would use its financial resources to "destroy" that competitor's business. Mr Jaksa also told the competitor that if he acted in accordance with the proposed market sharing arrangement, Simsmetal would "look after" him.

On the second occasion, the competitor recorded Simsmetal's demands using a small tape recorder hidden in the breast pocket of his overalls.

Justice Heerey said of Mr Jaksa: "The company's records have Mr Jaksa attending a trade practices compliance seminar on 1 September 1993 and reading a compliance manual in December 1994. Mr Jaksa however has no recollection of these events. If they took place, either they made no impression on him or he thought he could get away with conduct which the most elementary understanding of the TPA would show to be seriously unlawful".

Simsmetal was ordered to: · pay a penalty of \$2 million; · refrain from engaging in similar conduct in Australia for a period of 3 years; and · pay \$100,000 towards the ACCC's costs.

The Court also noted an undertaking from Simsmetal that it will, as soon as possible, comprehensively review its current trade practices compliance program to ensure that it meets the Australian Standard for such programs.

"This is a classic example of David standing up to Goliath and represents a victory for the rights of small business against bullying tactics by the bigger end of town", ACCC Chairman, Professor Allan Fels said today.

"I commend Simsmetal's decision to reach agreement with the ACCC over this issue and thereby avoid a long and costly trial. However, while I acknowledge that a lot of time and money has been saved in reaching a settlement, the penalty awarded today illustrates that both the ACCC and the Federal Court regard such conduct very seriously, especially by repeat offenders.

"I am disappointed that the penalties imposed in 1994 failed to deter Simsmetal from further contraventions, particularly as Mr Jaksa had participated in trade practices compliance training six months prior to the contraventions and should have been aware of his legal obligations.

"Fortunately for the steel scrap suppliers in South Australia, the competitor ignored Simsmetal's demands and contacted the ACCC.

"This matter should reinforce the message to business that any attempts to restrict competition in the marketplace will be vigorously pursued by the ACCC".

SENT 2/19/24

Special Condition 43 of Sims' "existing" Recycling Facility Permit states "The Permittee shall promptly repair damaged or broken pavements to sustain their integrity, prevent standing water, and minimize the generation of dust and mud. The Permittee shall promptly backfill all potholes and depressions at the Facility with aggregate or suitable fill material. In addition, The Permittee shall resurface worn gravel pavements with fresh aggregate as needed." Yet a review of the videos in Sims' Virtual Engagement Room (link below) reveals a substantial amount of standing water and mud throughout the property. This, despite the fact that the streets and parking lots surrounding Sims look relatively dry. These propaganda videos are an obvious attempt on the part of Sims to project an image of a facility that cares about environmental compliance, which then begs the question, why would Sims publicly disclose clear evidence of a permit violation? Perhaps it's because the standing water and mud at Sims is typically far worse than the amount shown in the videos. Has CDPH ever issued a violation notice to Sims for violation of Special Condition 43 and how will CDPH weigh this obvious violation when considering whether to issue a Large Recycling Facility Permit to Sims?

<https://www.simsmm.com/pilsen/>

SENT 3/6/2024

City of Chicago Rule 4.0 of ARTICLE XX (RECYCLING FACILITY PERMITS RULES AND REGULATIONS) states “Before granting a new permit or renewing an existing permit for any recycling facility, the Commissioner will conduct an evaluation of the applicant’s prior experience in recycling or junk facility operations or other waste handling operations. The Commissioner may deny or refuse to renew a permit if the evaluation shows that: (1) the applicant, or any owner or officer of the applicant, or any person having control of applicant or any of its operations, has, within the past three years, violated any federal, state, or local laws, regulations, standards, permit conditions, or ordinances in the operation of any junk facility, recycling facility, or any other type of waste or recyclable materials handling facility or site, including, but not limited to, the operation of a junk, recycling, or waste handling facility without required permits; or (2) conditions at a previously permitted site or facility, existing at any time during the pendency of the Department’s review of a permit renewal application, pose a material threat to continued compliance with any of the laws, regulations, standards, permit conditions, or ordinances identified in subsection (1) above. For purposes of this section, the phrase “material threat to continued compliance” shall mean analytical data, facility records, instrument readings, laboratory results, or photographic evidence sufficient to establish a prima facie showing of a violation(s) of any of the laws, regulations, standards, permit conditions, or ordinances identified in subsection (1) above.”

Sims clearly violated federal and state environmental regulations within the past three years as evidenced by the lawsuit filed by the Illinois Attorney General. That lawsuit was filed in October 2021 at the request of Illinois EPA, and it is still ongoing. Now, it appears that Sims recently admitted to violating local regulations and ordinances as well based on a recent settlement in which Sims paid a fine in the amount of \$1,000 to resolve a June 2023 Notice of Violation issued by CDPH for “VIOLATION OF 11-4-760(D) HANDLING AND STORAGE OF MATERIAL SUSCEPTIBLE TO BECOMING WINDBORNE; TRACK OUT ONTO PUBLIC WAY IS PROHIBITED.” So, the question is “How does CDPH plan to consider the checkered history of Sims, not only in Chicago, but at many of their other locations around the country, along with their continuing violation of environmental rules and regulations (i.e. allowing auto fluff to constantly blow off-site) when deciding whether to issue a Large Recycling Facility Permit to Sims?”

SENT 3/8/2024

I'm sure CDPH is aware that Sims has been sending out mailers to the Pilsen community bragging about the pollution control equipment they are installing, the millions of dollars they have already spent on that equipment, how they are such a good neighbor, blah, blah, blah. Of course, there is no mention in the mailer that the only reason Sims is spending ANY money is that the Illinois Attorney General is suing the company and the EPA finally forced them to do something about the enormous amount of pollution they have been spewing into the community for YEARS. With Sims claiming to be installing all that equipment and spending so much money, I figured there must be updates on the CDPH website along with evidence of work being performed. When I drove past Sims earlier this week, I did see an enormous structure being built around the shredder, but I was SHOCKED when I went to the CDPH website for Sims and saw that it hasn't been updated for months. There have been no public comments posted since last October, there is no evidence that an air pollution control permit has been issued and the website still says "CDPH received numerous comments on Sims' recycling facility application during the initial written comment period, indicating a significant degree of public interest in the renewal application. In line with our public engagement Guidelines for waste and large recycling facilities, CDPH will schedule a community meeting prior to making a decision on the Large Recycling Facility renewal application." Certainly, Sims had to get permits from the Department of Buildings to build the massive structure around the shredder, so why has CDPH still not issued an air pollution control permit to Sims? And if CDPH actually cared about the "significant degree of public interest" in Sims' large recycling facility permit application, why hasn't CDPH even hinted at holding a community meeting since cancelling the initial meeting in October 2022? Clearly, Sims would not have spent millions of dollars, nor would they have started installing equipment if they weren't certain that CDPH is going to issue an air pollution control permit AND a large recycling facility permit. So why won't CDPH just admit that it's a done deal instead of continuing to ignore the people of Pilsen?!!

SENT 3/8/2024

Is CDPH aware that Sims is planning to install another mega shredder just over the border in East Chicago, Indiana, or that Sims has no intention of installing pollution controls on the shredder? According to Sims' permit application, the shredder will emit up to 45 tons of volatile organic compounds, 6 tons of particulate matter and 3 tons of hazardous air pollutants. Obviously, this facility is not under City of Chicago jurisdiction, but pollution does cross state lines. As such, it would be prudent for CDPH to notify Chicago residents, particularly those on the SE side of the City, and to inform them that their health may be impacted.

SENT 3/20/24

According to the City of Chicago Data Portal, CDPH hasn't inspected Sims since January. During that inspection "INSPECTOR WILLIAMS ALONG WITH ENGINEER GRAHAM RESPONDED TO A CITIZEN COMPLAINT OF AIR POLLUTION/ODOR/DUST AT 2500 S PAULINA ... CDPH STAFF OBSERVED SMALL PATCHES OF FLUFF IN THE SOUTHERNMOST AREA OF PARKED SS VEHICLES (CLOSEST TO BATTAGLIA WAREHOUSE). THE COMPLAINT CAME IN AS 2500 S PAULINA, WHICH IS INCORRECT. THE ALLEGED FLUFF WAS LOCATED AT 2500 S ASHLAND WHICH IS INTEGRAL TO LOCATION AND OBSERVATION OF MATERIALS."

The fact that neither Inspector Williams, nor Engineer Graham, issued a Notice of Violation to Sims during that January inspection, despite the fact that they both observed obvious violations of City environmental rules and regulations, is inexcusable and insulting. But what's even worse is that we're now almost into April and there hasn't been a single follow up inspection to determine whether Sims is still allowing auto fluff to blow off site. Perhaps this lack of interest in Sims is due to the fact that CDPH is well aware that fluff can be found throughout the neighborhood every day of the week, and twice on Sundays. And perhaps CDPH knows how bad it would look if inspectors continued documenting off site fluff from Sims without ever issuing a Notice of Violation. I'm not sure who Sims is "donating" money to or how much they're "donating", but it's long past time for CDPH (and Alderman Sickcho Lopez for that matter) to stop protecting Sims. If the City (and the alderman) actually cared about Environmental Justice and the health and well-being of Pilsen residents, CDPH would actually consider denying Sims' permit. And Alderman Lopez would be calling for the permit to be denied, just like he repeatedly demanded that the permit for Southside Recycling be denied. But my guess is that CDPH will continue cowering in fear of Sims, and Alderman Lopez will continue being more concerned with the Southeast Side of Chicago than he is with his own neighborhood. Despite my lack of faith in your agency to actually consider the feelings of Pilsen residents and the concerns we have about Sims, I will continue calling on CDPH to DENY THE PERMIT!!!!

SENT 3/21/24

Does CDPH have ANY plans to hold a community meeting to discuss Sims' permit application for a Large Recycling Facility? Or is the plan to quietly issue the permit (perhaps on a Friday afternoon) and then hold a community meeting where CDPH can claim that Sims will be installing pollution controls, how the permit will be protective of the public's health, etc. I'm sure CDPH is well aware that Sims is marching right along with various projects for which no permits have been issued, including Air Pollution Control permits. Obviously, Sims wouldn't be moving forward with these projects, all while bragging about how much money they are spending, if they had not been told "off the record" that CDPH will be issuing ALL permits needed for Sims to continue operating. At this point, it is so blatantly clear that CDPH will eventually issue permits to Sims that if a community meeting is actually held, I would strongly advise CDPH to avoid further patronizing the people of Pilsen by pretending to care about their health and well-being. After all, the only thing more insulting than completely ignoring people's concerns about Sims, as CDPH has done to this point, would be holding a fake community meeting, going through the motions and acting like Environmental Justice is a priority to CDPH.

SENT 3/25/24

Is CDPH aware that Sims is planning to install a shredder that will process even more material than their shredder in Pilsen, just across the border in East Chicago, Indiana (link to permit below)? And is CDPH aware that Sims will NOT be installing pollution controls on that shredder because they claim it would cost too much?!! How could it be that pollution controls are too costly in East Chicago, but not too costly at Sims in Pilsen, or at Southside Recycling on the SE side of Chicago? East Chicago may be outside the jurisdiction of CDPH, but it is part of the Chicago Metropolitan area, and pollution does travel across state lines. Sims has admitted that the East Chicago shredder will emit 45 tons of Volatile Organic Compounds (VOCs) into the atmosphere per year. But a closer look at the permit reveals that Sims is, predictably, grossly underestimating emissions from the shredding process by applying outdated VOC emission factors. If the most recent EPA emission factor is applied to the East Chicago shredder, Sims will be spewing over 70 TONS of uncontrolled VOCs into that Environmental Justice community per year. Such dishonesty demonstrates, once again, that Sims doesn't care about anything but their bottom line. It also proves that the only reason the company is installing pollution controls on their shredder in Pilsen is because they were forced to do so by the Illinois EPA and the Illinois Attorney General, not because they are "a good community neighbor that is keenly focused on the health and safety of our neighbors" as they claim. Perhaps with Sims building a new shredder in the Chicago Metropolitan area, CDPH could now justify denying the large recycling facility permit for the shredder in Pilsen. A permit denial would certainly show that this administration is truly committed to delivering "improved health and environmental outcomes for every Chicago resident and neighborhood" as it claims. On the other hand, if CDPH issues the permit, thereby allowing a single company to operate TWO large metal shredders in the same metropolitan area, it will show how little this administration really cares about Environmental Justice.

<https://permits.air.idem.in.gov/47255d.pdf>

Sent 4/5/24

I'm sure CDPH has documented numerous examples of shady behavior on the part of Sims. I'm also sure CDPH has long heard the rumors about Sims "greasing palms" in order to continue operating in the City of Chicago. The fact that the 25th Ward Alderman (Byron Sicko Lopez) is more vocal about a recycler on the Southeast Side of Chicago than he is about a serial polluter like Sims, WHICH IS IN HIS OWN WARD, is one such example.

<https://blockclubchicago.org/2023/06/06/southeast-side-activists-vow-to-keep-fighting-after-judge-gives-new-life-to-metal-scrappers-bid-to-open/>

Another example is Friends of the Chicago River speaking out against Southside Recycling which is located on the Calumet River (not the Chicago River) and then not saying a word about Sims in Pilsen which IS on the Chicago River.

<https://www.chicagoriver.org/blog/2023/6/friends-stands-with-southeast-side-community>

Of course, it was no surprise to find out that Sims has donated to Friends of the Chicago River. Another example of Sims' dubious behavior is the hiring of Susan Donovan to serve as Sims' Community and Government Relations Manager, while also serving as Director of Government Relations for The Nature Conservancy.

<https://www.chicagolandchamber.org/chamber-news/chicagoland-chamber-of-commerce-partners-with-industry-leaders-to-launch-new-infrastructure-committee/>

<https://www.youtube.com/watch?v=Pv-iPcQYkXE>

The Nature Conservancy hasn't had a word to say about Sims, but OF COURSE Susan Donovan herself actually submitted a comment to CDPH in opposition to Southside Recycling, a direct competitor of Sims.

<https://www.chicago.gov/content/dam/city/sites/rgm-expansion/organization-comments/Comment-from-The-Nature-Conservancy-1.13.21.pdf>

If CDPH truly cares about the people of Pilsen, and Environmental Justice in general, then Sims' unscrupulous business practices should be considered along with their extensive history of violating environmental rules and regulations as part of the permit review process.

SENT 04/15/24

The CDPH website for Sims STILL says “CDPH received numerous comments on Sims’ recycling facility application during the initial written comment period, indicating a significant degree of public interest in the renewal application. In line with our public engagement Guidelines for waste and large recycling facilities, CDPH will schedule a community meeting prior to making a decision on the Large Recycling Facility renewal application. In addition, CDPH will leave the written comment period open until at least five (5) days following the community meeting.”

This is RIDICULOUS!!! CDPH has been accepting comments about Sims for well over 2 years (since 2021), yet not a single one of those comments has been addressed by CDPH. Further, CDPH claims that the numerous initial comments indicate a “significant degree of public interest” in Sims. If that’s the case, then why has a community meeting STILL not been scheduled?

The Guidelines referenced on the website state “If, within sixty (60) days of posting of the application or any supplemental application, CDPH finds any deficiency in the application, CDPH may either deny the permit or request more information, depending on the extent of the deficiencies. If CDPH has questions during its review of the application, CDPH may notify the applicant and request a written response, supplementary information, or both, as deficiencies are identified.”

As CDPH is aware, Sims’ application was posted in November 2021, yet there is still no indication that Sims has been notified of any deficiencies or that CDPH requested more information from Sims. Unless the plan is for CDPH to just rubber stamp Sims’ application, it is difficult to imagine there has been no communication between Sims and CDPH. After all, based on the number of comments highlighting several major issues with Sims’ application, it is frankly impossible to believe that CDPH didn’t find any deficiencies or request more information from Sims at some point over the last two and a half years.

If CDPH truly values transparency, all correspondence between personnel and/or representatives of Sims and CDPH from November 2021 to date should be posted on the CDPH website, including, but not limited to, letters, emails, texts, notes from meetings and/or phone conversations, etc.

SENT 04/15/24

According to a Sims press release titled "Sims Metal Receives Air Permit from City of Chicago to Install Industry's Best Emission Capture and Control System" in their online Virtual Engagement Room (link below), CDPH issued an Air Pollution Control (APC) Permit to Sims on April 3, 2024. Today is April 15, 2024, and the aforementioned APC Permit has STILL not been posted on the CDPH website. Why is CDPH hiding the fact that the APC Permit has been issued to Sims and where is the transparency that CDPH preaches about? More importantly, how can CDPH claim to care about environmental justice, then secretly issue a permit to a serial polluter in an Environmental Justice area and not let the community know, even after the fact?!!

<https://www.simsmm.com/pilsen/>

SENT 4/18/24

Following a recent inspection of Sims, CDPH Inspector 129151 wrote "ON TODAY'S DATE (4/9/24) THE CDPH INSPECTOR RESPONDED TO A CITIZEN COMPLAINT IDENTIFIED AS 2500 S PAULINA. UPON CALLING THE COMPLAINANT FOR FURTHER DETAILS IT WAS LEARNED THAT THE LOCATION OF ALLEGATION IS 2550 S. ASHLAND, THE CHICAGO YACHT CLUB. THERE WAS NO METHOD TO LEAVE A MESSAGE FOR MR. HUNT AS NO SHREDDER FLUFF WAS OBSERVED ON ASHLAND, ON DOCK AREA FROM VANTAGE POINT. THE INSPECTOR WELCOMES COMMUNICATION FROM MR. HUNT TO ACTUALLY SHOW WHERE THE ALLEGATION IS OCCURRING ON HIS PROPERTY AND OBTAIN PHOTOGRAPHS OF SAME. A FABRIC MESH BARRIER IS SEEN BETWEEN THE PROPERTY LINES WHICH IS UTILIZED TO PREVENT AIRBORNE PARTICULATES FROM MIGRATING OFFSITE.

It is frankly insulting that a CDPH inspector is requesting photographs from the public to prove that shredder fluff is blowing off-site from Sims, especially since the only time that fluff can NOT be found throughout the neighborhood is immediately after the roving sweep-up crew from Sims has cleaned it up. It's also insulting that a CDPH inspector would make the claim that a fabric mesh barrier on a section of fence could prevent airborne particulates from migrating off-site. The attached pictures provide conclusive evidence that the fabric mesh barrier noted in the inspector's report is NOT preventing shredder fluff from migrating off-site, contrary to the inspector's claims. Please share these pictures with CDPH inspectors before the next inspection of Sims since they obviously need help identifying shredder fluff. Or better yet, please have Inspector 410716 start canvassing the area around Sims again since that inspector seems to observe fluff in the neighborhood during every inspection and that inspector actually issued numerous tickets to Sims for violation of Municipal Code 11-4-760 "Handling of Material Susceptible to Becoming Windborne" and for violation of Special Condition 42 of their permit which "requires the permittee to control and suppress dust and other materials to prevent off site migration". But even if CDPH inspectors refuse to issue any more tickets, the fact remains that by allowing fluff to continue blowing off-site, Sims continues to violate the Municipal Code and conditions of their permit. This begs the question, if Sims can't operate in compliance with their old (expired) recycling permit, how can CDPH trust that Sims will be able to operate in compliance with the stringent Large Recycling Facility Rules or with conditions of a Large Recycling Facility Permit which would likely be significantly stricter than the conditions of their old permit?

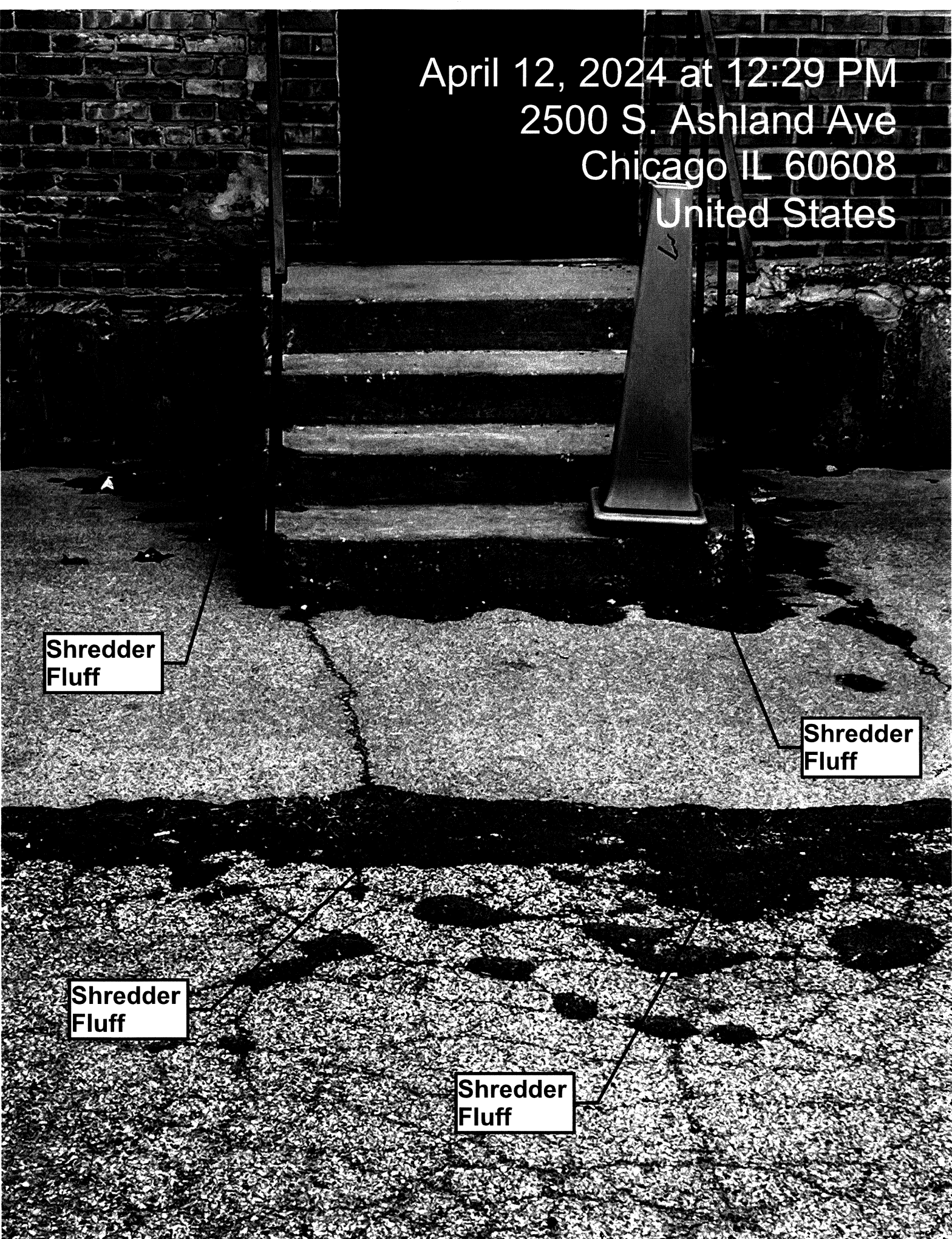
April 12, 2024 at 12:29 PM
2500 S. Ashland Ave
Chicago IL 60608
United States

Shredder
Fluff

Shredder
Fluff

Shredder
Fluff

Shredder
Fluff



April 12, 2024 at 12:29 PM
2500 S. Ashland Ave
Chicago IL 60608
United States

Battaglia.
Visitor's
Entrance

NOTICE
NO PARKING
IN FRONT
OF THIS
BUILDING

Shredder
Fluff

Shredder
Fluff

Shredder
Fluff

Shredder
Fluff



SENT 4/23/24

I was just informed that CDPH issued an Air Pollution Control (APC) Permit to Sims on April 3, 2024 for installation of air pollution control equipment. Yet as of today's date, April 23, the CDPH website for Sims still states, "Sims' construction permit application to CDPH (called an Air Pollution Control permit) is currently under review." Why has CDPH still not posted the permit, or at least notified the community about this latest development? And why has a community meeting still not been scheduled for Sims' Large Recycling Facility (LRF) Permit application? Speaking of LRF Permit applications, I recall that one of the main reasons CDPH denied Southside Recycling's LRF Permit was due to "RMG's lack of transparency." What about CDPH's lack of transparency when it comes to Sims? How can CDPH accuse one LRF (Southside Recycling) of not being transparent, use that as a basis to deny a permit, and then turn around and secretly issue a permit to another LRF (Sims). That is the height of hypocrisy!!! It has been almost 3 weeks since CDPH issued an APC permit to Sims!!! Does CDPH plan to inform the public about ANYTHING related to Sims, or at least notify the media and allow them to report it? Or is CDPH trying to hide what it's doing from reporters like Brett Chase as well? At this point in this ridiculous charade, I'm left to believe that CDPH will continue to stay silent, hope that nobody notices what's going on behind closed doors, and then issue an LRF Permit to Sims late on a Friday afternoon? The way the people of Pilsen continue to be treated by CDPH, all while City leaders claim to care about the health and well-being of ALL Chicago residents is truly appalling!!!

Off-Site Auto Fluff

From debby.chagal.net <[REDACTED]>

Date Tue 8/20/2024 3:36 PM

To envcomments <envcomments@cityofchicago.org>

[Warning: External email]

Hello,

Upon review of the supplementary materials submitted by Sims on April 4, I noticed that the Cleaning Schedule has been “refined” to include cleaning of outdoor areas including certain off-site parking lots and other public areas (i.e. along Ashland Avenue). The Cleaning Schedule conveniently omits the materials to be cleaned up by Sims, or the reason those materials are leaving Sims’ property in the first place. However, based upon the fact that CDPH has issued numerous Violation Notices to Sims for allowing auto fluff to migrate off-site, along with the fact that CDPH inspectors, and area citizens, continue to observe auto fluff throughout the neighborhood, the reason for the Cleaning Schedule is abundantly clear. It’s an obvious attempt to gloss over one of the many negative aspects of allowing Sims to operate in Pilsen, that Sims continues to allow piles of auto fluff to accumulate throughout the neighborhood. But it’s also an admission that Sims is incapable of preventing pollution and waste materials from leaving their property and continuing to impact the people of Pilsen. By acknowledging that properties not owned by Sims require continual cleaning, and by offering to voluntarily clean those areas, Sims is admitting they are in violation of Section 11-4-760 of the Municipal Code (*Handling and storage of material susceptible to becoming windborne*), and Special Condition 42 of their “existing” Class IVB Recycling Facility Permit which states “*The Permittee shall control and suppress dust and other air-borne materials created by Facility activities so that off-site migration of these materials does not occur.*” That is unless Section 11-4-760 of the Municipal Code has been repealed or amended, or unless Special Condition 42 of Sims’ Class IVB Permit is somehow no longer enforceable. If CDPH ends up issuing an LRF Permit to Sims, will it include conditions that allow Sims to continue polluting the neighborhood?

Sincerely,

Debby Chagal
[REDACTED]

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Ongoing Violations at Sims

From debby chagal.net <[REDACTED]>

Date Tue 8/20/2024 3:34 PM

To envcomments <envcomments@cityofchicago.org>

[Warning: External email]

Hello,

Sims has an extensive history of violating federal, state and local environmental regulations. CDPH issued 15 notices of violation to Sims in 2020 for allowing shredder fluff to become windborne and migrate off-site, for violating permit conditions and the municipal code and for creating a public nuisance and didn't Sims pay a fine of \$18,000 to settle those violations. Many of these same violations are still occurring, and being documented by CDPH inspectors, even though CDPH didn't issue any notices of violation to Sims between 2020 until 2023. Does CDPH consider the ongoing, uncited infractions to be violations that have not been adjudicated? Why is CDPH allowing Sims to operate and turning a blind eye while Sims continues to violate their permit and the municipal code?

Sincerely,

Debby Chagal
[REDACTED]

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